



**CITY COUNCIL**  
**Regular Meeting – July 24, 2017 6:00 p.m.**  
**Council Chambers**

**PROCLAMATIONS**

- ◆ DARE Jeep, Jason Dennis

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Whilding
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. July 10, 2017 Regular Meeting
- VI. PRE-SCHEDULED PRESENTERS
  - A. Marty Heide, Congressman Turner's Office
  - B. Gussie Jones, Owens Place
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 17-09 PUD 17-1 4200/4232 Col. Glenn Hwy Rezoning (Third Reading)
  - B. Ordinance 17-10 PC 17-3 Zoning Code Update (Third Reading)
  - C. Ordinance 17-11 Bond for Not To Exceed \$1.9 Million for Lofino Renovation and Acquisition of Property (Second Reading)
  - D. Ordinance 17-12 Issuance of Bond Not to Exceed \$715,000 for Refunding Golf Final Judgement Bond (Second Reading)
  - E. Ordinance 17-14 Issuance of Bond Not to Exceed \$800,000 for Refunding 2009 Various Purpose Bond (Second Reading)
  - F. Ordinance 17-15 Issuance of Bond Not to Exceed \$580,000 for Refunding 2003 Kontagionnis Hills Bonds (Second Reading)
  - G. Ordinance 17-16 Issuance of Bond Not to Exceed \$3.995 Million for Refinancing Outstanding Bonds and Notes Originally Issued for Various Purposes and Consolidating Into One Bond Issue (Second Reading)
  - H. Ordinance 17-17 Issuance of Bond Anticipation Notes Not to Exceed \$350,000 for Traditions at Beavercreek Project Second Renewal (Second Reading)
  - I. Ordinance 17-18 Z-17-1 Roddy Dentistry Rezoning (Second Reading)
  - J. Resolution 17-19 Placement of a 1.0 Mill Renewal Street Levy on November 7, 2017 Ballot
  - K. Resolution 17-20 Authorize Joint Agreement with Beavercreek Township for OPWC Application for Shakertown Road Extension
- VIII. LIQUOR PERMITS
  - A. Asian Gourmet by L The Land of a Million Elephants LLC DBA Choes Asian Gourmet
- IX. CITY MANAGER'S REPORT
- X. MAYOR'S REPORT
- XI. COUNCIL TIME
- XII. CITIZEN COMMENTS
- XIII. ADJOURNMENT

BEAVERCREEK CITY COUNCIL  
REGULAR MEETING July 10, 2017 6:00 p.m.

**CALL TO ORDER**

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Jarvis, Council Member Litteral, Council Member Upton, Council Member Wallace, Council Member Whilding, Vice Mayor Vann, Mayor Stone

ABSENT: None

TARDY: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Kim Farrell, Recreation Supervisor; Theresa Hathaway, Fiscal Officer; Bill Kucera, Financial Administrative Services Director; Dianne Lampton, Clerk of Council; Pete Landrum, City Manager; Jeff McGrath, Planning & Zoning Director; Steve McHugh, Legal Counsel; Mike Thonnerieux, Public Administrative Services Director

**PLEDGE**

Council Member Wallace led the pledge and a prayer.

**APPROVAL OF AGENDA**

Council Member Whilding MOVED to approve the agenda, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

**APPROVAL OF MINUTES**

Council Member Litteral MOVED to approve the June 19, 2017 Work Session, seconded by Council Member Wallace. Motion PASSED by majority voice vote. (Upton, Vann abstained)

Council Member Upton MOVED to approve the June 26, 2017 Regular Meeting, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

**PRE-SCHEDULED SPEAKERS**

Kathryn Hitchcock, Outreach Coordinator, National Alliance on Mental Illness (NAMI) Clark, Greene and Madison Counties

Ms. Hitchcock explained that anything highlighted in yellow in the handouts related to Greene County. She said the National Alliance began at a kitchen table in 1979 where two mothers found themselves discovering that both their sons had been diagnosed with schizophrenia. She said there are thousands of volunteers across

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the country who provide support groups and teacher educational programs. She said they do not do therapy or psychological evaluations. She said they have peer support and everything is peer led. She facilitates a family led support group in Yellow Springs. She has a sister who has bipolar disorder and she would not be able lead the group if she did not have anyone she cared about. She has experience living and growing up with her. She was sad when she was diagnosed but has learned over time that she can't fix the problem. She said this is what they talk about in the family support group. She said they can learn to cope and better ways of helping while remembering they can't fix all the problems. She said the National Alliance does three different things: support, education and advocacy. She said there is a family support group in Greene County in Yellow Springs and another group called Connections which is for people who have a mental illness which meets in Yellow Springs and Fairborn. She said they have a drop-in center in Fairborn called the Lighthouse which is a place where people who have a mental illness can go where it is safe, provides socialization, hot meals and peer support specialists. The educational piece helps those learn about mental illness and what can be done. She said advocacy takes place at the national, state and local levels. She said they do outreach events in the three counties. She said less than 1% of those with a mental illness are violent. She said they are much more likely to be taken advantage of. To contact NAMI go to their website [www.namicmp.org](http://www.namicmp.org) or call 322-5600.

#### **PUBLIC HEARING – 2018 Tax Budget**

Clerk Lampton read a public hearing on the tax budget for the fiscal year beginning January 1, 2018 and ending December 31, 2018.

#### **Staff Presentation**

Ms. Hathaway mentioned the format was different as the auditor approved the City's budget format rather than using the auditor's format. She said the County Auditor requires the tax budget be filed by July 20<sup>th</sup> which is prepared in compliance with ORC 5705.28. She said the tax budget shows estimated revenues generated by the City's current voted and non-voted tax levies that are needed to maintain City services. The process starts by determining the estimated cost of maintaining current levels of service and contains updated estimated revenues, expenditures and fund balances for each of the City's operating, capital, and trust funds. Adjustments are made for required inflationary factors, contractual obligations and capital requests. The revenues generated from property tax levies are estimated by the County Auditor and must be used in the Tax Budget and all other revenues are based on current and historic trends. At this stage it's typical for the Tax Budget to reflect reductions in fund balances. Council will be provided a balanced budget in November reflecting minimum fund balance requirements. She said starting in August estimates will be refined bringing expenditures in line

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with the available resources. Each department and division will review their budget and make all necessary adjustments. The revised budgets will be reviewed with Council and finalized for adoption in November. She said the tax budget proves the City's needs exceeds resources and all current taxes and levies are necessary. The tax budget as presented shows several reductions in fund balances and will be addressed during the budget process over the next few months. Budget hearings with the County Auditor will be set for a future date. The final 2018 budget will be within the fund balance guidelines as established by Council.

**Public Input**

There being no input, the public input was closed.

**Council Input**

Council Member Upton thanked Ms. Hathaway for her work.

**Resolution 17-16**

Council Member Upton MOVED to approve Resolution 17-16, seconded by Council Member Whilding. Motion PASSED by a roll call vote of 7-0.

**PUBLIC HEARING – PUD 98-9 MOD 5/17 (Major) Beavercreek Care Group**

Clerk Lampton read an application filed by JEA, 5101 NE 82<sup>nd</sup> Ave., Ste. 200 Vancouver, WA 98662. The application requests a major modification for 4.5 acres of land to allow for the construction of a one-story, 66-bed memory care facility located on the northeast corner of intersection of Hibiscus Way and Park Overlook Drive. The property is further described as Book 1, Page 10, Parcels 115 and 116 on the Greene County Property Tax Atlas.

**Applicant Presentation**

Abby Jacobs, Civil Environmental Consultants, 5899 Montclair Blvd, Milford, Ohio Ms. Jacobs explained JEA Senior Living was a privately owned and operated management and development company based in Vancouver, WA. She said they own and operate their facilities and have been in operation for over 25 years. They currently operate over 50 Alzheimer care facilities in more than 20 states including five in Ohio. She said they have done market research that shows a need for an Alzheimer care facility in Beavercreek and are proposing a one-story, 66 bed Alzheimer facility with exterior building finishes that match the surrounding architecture. It is a state of the art specialized care facility that focuses exclusively on Alzheimer, dementia, and related memory issues that affect our aging seniors. It is a 24 hour stand-alone facility that will accommodate up to 66 residents in a secure, homelike atmosphere with dedicated, experienced staff and management. She said they believe the building presents a complimentary use and an excellent transitional use from the existing three-story buildings to the single family

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residential adjacent. She said the site is extensively landscaping and professionally maintained. The building is fully licensed and secured per state code requirements for this type of facility. She said JEA is very excited about the project and locating in Beaver Creek.

#### Staff Presentation

Mr. Burkett summarized the staff report dated June 27, 2017 which stated the applicant was requesting a major modification to the existing site plan, to allow for the construction of a 34,492 square foot, 66 bed Alzheimer special care facility and 4.5 acres. He reviewed the locations of the property, the surrounding zoning, site plan, access points, parking, sidewalks, building design, landscaping, fencing, lighting and signage. He said the original PUD was approved for three professional office buildings which totaled 166,000 square feet, one building of 60,000 square feet was built and if this modification is approved there will be a reduction in what was already approved. He said there were 20 conditions in the motion and both Planning Commission and staff recommend approval.

#### Public Input

There being no input, the public input was closed.

#### Council Input

Council Member Jarvis asked if there was any thought of moving the entrance on Park Overlook east to align with the entrance across the street. Mr. Burkett said there was a lot of underground utilities and they wanted to prevent the amount of in and out access. He said there was also concern with interference with the recreation yard in the back of the facility. He said this was also an existing curb cut and apron. Mr. Jarvis said the staff report referenced parkland and questioned if it was part of this. Mr. Burkett replied the parkland was part of the MX-PUD 98-9 that was donated but not part of this application.

Vice Mayor Vann asked what the outdoor area was going to be used for. Ms. Jacobs explained it was recreation space for the residents which provides sidewalks, landscaping and places to sit. She said the residents are always accompanied by a staff member and is fully secured. She said it also provides evacuation space in case of an emergency. Vice Mayor Vann asked what type of fencing they would be installing. Ms. Jacobs said they were working through the details and the planning department has asked for final approval of the fence materials. She said JEA is willing to work with them about the materials for both along the residential neighborhood and also along Park Overlook Drive. Vice Mayor Vann said she was not interested in it looking like a compound. She was worried it would be enclosed with swimming pool high fences all around. Ms. Jacobs said JEA was working through the material selection to making sure that

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what is along Park Overlook Drive is more along the lines of the decorative metal fencing that was presented. Vice Mayor Vann asked the staff to patient ratio. Ms. Jacobs said the maximum shift for staff is 20 members, one staff member for almost every three residents.

Council Member Wallace thanked staff for the new zoning requirements being added for the handicapped parking. She said it is important to not make it look like a compound. She said it was a great choice of location, it was less impact and believed it was a good facility for this neighborhood.

Vice Mayor Vann asked where the other Ohio locations were. Ms. Jacobs was not sure of all five but knew there was one in Mason and Miami Township in Montgomery County.

Council Member Jarvis asked where the 700 feet of sidewalk would be located. Mr. Burkett replied it would be along the two frontages of the project.

Mayor Stone questioned the elevation lines on the east edge. Mr. Burkett explained there were some elevation lines because of the existing pond. Mayor Stone asked if the proposed trees were new. Mr. Burkett replied yes. Mayor Stone said they would hide some of the solid fence which have a softening effect.

#### Motion

Council Member Jarvis MOVED for the purpose of taking administrative action, approval of a PUD Major Modification for Beavercreek Care Group, PUD 98-9 MOD 5/17, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a PUD Major Modification as per §158.070 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. I further move that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved site and architectural plans shall be the plans dated "Received May 4, 2017 except as modified herein.
2. All building mechanical equipment is to be completely screened from all directions with architectural features (roof forms or parapet walls) on each building. Metal screening will not be accepted. Pad mounted equipment must be screened with landscaping and/or masonry walls and shall not be visible to the public. The final screening design and materials shall be reviewed and approved by

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the Planning Department, prior to the release of a zoning permit for the project.

3. A PUD Agreement must be signed by the owner and a bond or letter of credit for the site landscaping must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the installation of landscaping. Said bond or letter of credit must meet the requirements of the City's landscaping and screening regulations.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes, as originally planted, within three months, weather permitting.
5. All trash collection containers shall be enclosed within a building or screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with materials to match the building. The final location of the dumpster shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of a zoning permit.
6. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
7. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of a zoning permit.
8. All man-doors and service doors shall be painted to match the color of the building as to blend in with the proposed facade.
9. Prior to issuance of any zoning permits for this project, the applicant shall submit a subdivision record plan for City approval.
10. Prior to issuance of any zoning permits for this project, the applicant shall pay impact fees.

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11. Prior to the release of the record plan for recording, the applicant shall sign a Subdivider's Contract and submit a bond or letter of credit for the public improvements if required by the City Engineer.
12. The proposed light fixtures within the development shall be reviewed and approved by the Planning Department prior to the release of the record plan for recording. The fixtures shall be consistent with the fixtures used throughout the rest of the College Park development.
13. A special lighting assessment district for operational costs and not for installation of fixtures may be created and approved by the City Engineer. The installation of the streetlights is the responsibility of the applicant and not the City.
14. Final drainage calculations shall be approved by the City Engineer prior to the release of the record plat for recording.
15. Fountains and/or other aeration and water circulation devices are required for the retention pond and shall be maintained by the owner, developer, or the condo association in perpetuity.
16. Downspouts shall be painted to match the adjacent architectural materials.
17. Construction hours shall be limited to 7am-7pm Monday through Saturday.
18. Trash collection and deliveries shall only be permitted from 7am-7pm Monday through Saturday.
19. The final design of the fence shall be reviewed and approved by the Planning Department prior to the release of a fence permit.
20. Signage shall be required at both entrances.

Seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**PUBLIC HEARING – PUD 98-9 MOD 5/17 – Z-17-1** Roddy Dentistry Rezoning  
Clerk Lampton read an application filed by Dr. Ronald Roddy, 109 Castle Pine Court, Xenia, OH 45385. The application requests the rezoning of 1.733 acres of land from R-1A One-Family Residential District to RO-1 Residential Office District. The property is located at 4090 Indian Ripple Road further described as Book 3,



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Page 10, Parcel 223 on the Greene County Property Tax Atlas.

#### Applicant Presentation

John Albrecht, R.A. Rhoads, 55 Rhoads Center Drive, Dayton, Ohio

Mr. Albrecht explained the proposal was for two separate buildings. He said one was a dental clinic in the front of the parcel and a future building in the back of the parcel. He said Dr. Roddy would occupy the front parcel which would be about 5,000 square feet, one-story with a possible walk out.

#### Staff Presentation

Mr. Burkett summarized the staff report dated June 27, 2017 which stated applicant was requesting approval for the rezoning of 1.733 acres from F-1A One Family Residential to RO-1 Residential Office for the purpose of constructing dental office. He reviewed the location of the property, the surrounding zoning, the land use plan, and the permitted uses for an RO-1 zoning. He said they would be required to go through the ASRA process which was similar to the PUD process. He said there would be a second stage to this process and at this time Council was only considering the rezoning of the parcel. Staff and Planning Commission recommend approval.

#### Public Input

There being no input, the public input was closed.

#### Council Input

Council Member Upton said he appreciated the investment in Beavercreek.

Council Member Wallace questioned the width of the peninsula connected to the property. Mr. Burkett replied it was 20 feet and was a Greene County sanitary sewer easement and was too narrow to for any type of access drive.

#### Ordinance 17-18 (First Reading)

Council Member Wallace MOVED to approve Ordinance 17-18 and move to the second and third readings, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

### **ORDINANCES, RESOLUTION AND PUDS**

**Resolution 17-17** Declaring Necessity of Levying 1.0 Mill and Requesting County Auditor to Certify

Clerk Lampton read a Resolution declaring it necessary to levy a renewal tax in excess of the ten-mill limitation for the purpose of constructing, reconstructing, resurfacing, and repairing such streets and highways, which levy shall be one (1)

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mill to run for continuing period of time, pursuant to section 5705.19 and subsection 5705.19(G) as amended, of the Ohio Revised Code, and requesting the County Auditor to certify matters in connection therewith.

Mr. Kucera explained at the last meeting Council sent Resolution 17-15 to certify the one mill levy. He said the County Auditor had dates of 2017 and 2018 which should have been 2018 and 2019. He said there was a need for a new Resolution with the corrected dates to have the one mill levy certified. He said at the next regular meeting there would be a Resolution to add the ballot language to the November ballot to meet the Board of Election deadline.

Council Member Litteral MOVED to approve Resolution 17-17, seconded by Vice Mayor Vann. Motion PASSED by majority voice vote.

**Resolution 17-18** Bulletproof Vest Grant

Clerk Lampton read a Resolution to authorize the application for the Bulletproof Vest Partnership 2017 Federal Grant Program on behalf of the Beavercreek Police Department.

Chief Evers explained the federal grant would provide funding up to 50% of the total costs of the city's purchase of approved bulletproof vests. He said since March 1999 when this process became available, they have taken advantage of this federal grant each year in defraying costs to the city on purchasing officer's bulletproof vests. He said to date a total of \$57,791.86 of federal money has been approved to aid in these purchases to the city. He said this year they were anticipating eight vests as replacement vests for patrol officers for a total cost of \$6,584 which additional monies were placed in the police budget to defray the city's shared costs of these vests.

Council Member Litteral thanked the chief and the police department for always looking for grants. She confirmed the vests were good for five years,

Council Member Litteral MOVED to approve Resolution 17-18, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**Ordinance 17-08** PUD 14-3 AMENDMENT 4/17 Traditions of Beavercreek Phase 2 (Third Reading)

Clerk Lampton read an Ordinance amending Ordinance 14-12 (R-PUD 14-3, Leo Brown Beavercreek) to amend 19.06 acres from R-PUD 16-2 to R-PUD 14-3 to allow for the construction of an additional 66 independent living units associated with the existing assisted living facility (PUD 14-3 Amendment 4/17)

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Council Member Litteral MOVED to approve Ordinance 17-08, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

**Ordinance 17-09** PUD 17-1 4200/4232 Col. Glenn Hwy Rezoning (Second Reading)

Clerk Lampton read an Ordinance amending the zoning map, by rezoning approximately 9.3 acres of land from B-2 Community Business and B-4 Highway Business to C-PUD Commercial Planned Unit Development, located approximately 650 feet west of the intersection of Colonel Glenn Highway and Eastside Drive and further described as Book 1, Page 2, Parcels 2 and 72 on the Greene County Property Tax Atlas. (PUD 17-1)

There being no input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading.

**Ordinance 17-10** PC 17-3 Zoning Code Update (Second Reading)

Clerk Lampton read an Ordinance amending Chapter 158, by making certain additions, deletions and changes to various sections of the Zoning Code and declaring an emergency. (PC 17-3)

There being no input, the public hearing was closed.

Council Member Jarvis said one of the changes to the zoning code update that was concerning him was the cultivation of marijuana. He wanted to discuss some different aspects that he has seen recently as other communities have banned, approved or conditionally done things to it. He said most recently Riverside went to approve a few acres of land across from the Air Force Museum for their cultivation site and pulled it from their agenda at the last minute. He said a major concern was the mixed message they were sending the kids. He said we go through a lot of effort with our DARE program and telling them not to do certain things that this may be a gateway drug to others and then we have potential grow operations right in the city in front of them. He said at the last council meeting he wanted to extend the buffer zone from 500 feet to something else but that didn't quite make sense given the way the laws work these days. He said 1,000 feet would have left no place to have these and that makes some issues. He said he would like to consider, since the application period has closed on June 30<sup>th</sup> for cultivation sites, that cultivation sites be banned in Beavercreek. He said nothing would change for the processing or the sale therefore not limiting access to it for people who really need it for health reasons. He did not think people would want a cultivation near their homes even though this was not recreational marijuana and

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purely for medicinal purposes. He was concerned they were giving kids a mixed message. He said our DARE programs are telling them something else.

Mr. McHugh said this was a second reading, therefore changes could be made. He said the one concern he had was they may wish to consider continuing the second reading to the next meeting. He said this would require an additional moratorium because the current moratorium ends the day after the next regular meeting on July 25<sup>th</sup>.

Mayor Stone explained that staff has been working with all entities to come up with this proposed Ordinance.

Mr. McGrath said the application deadline has come and gone and the city had zero inquiries about cultivation activities within the corporate borders. He did not anticipate any interest given the price of the land as compared to more rural areas. He said staff was seeking policy direction from Council and whatever Council would like to do would be implemented moving forward.

Council Member Upton questioned if they were allowed to ban cultivation within the City limits. Mr. McHugh said yes, the state statute allows any municipality to ban any or all of the three; cultivation, processing and distribution. Council Member Upton said his concern was what were they losing out on by not having this available in the city limits. He said are there potential jobs or developments around the cultivation sites they would be missing out on. He did not know what the state was planning to do as far as tax revenue and would they be missing out on something by banning it altogether. He appreciated the concerns for the children and was certain an education piece would need to be updated with DARE and other programs. He said if we ban it now would the city be overlooked for future possibilities. Council Member Jarvis said putting in a ban now does not prevent future councils from doing something else. He said as far as jobs, the federal government still considers marijuana as illegal. He said many of the jobs in Beaver Creek are federal jobs. He said if it were possible he would prefer it be a total ban of all three in the city. He said that was not practical and council would not support that. He said a big concern he had was jobs. He said according to state law, once somebody uses this, they would be fired. Council Member Whilding said the state is working that out for medical marijuana. Council Member Jarvis said Beaver Creek is one of the few municipalities that does not have an income tax so there is no income or tax issue. He said there was a very small property tax issue compared to the total amount in taxes each year. He did not think those two cases are major considerations as to why we should go ahead with this. He said should he be wrong and come September 2018 when the law fully

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passes, if the new council at that time wish to reinstate this, they are fully able to do that.

Council Member Wallace said one of the things she objected to was she did not want to create Ordinances and codes for a future council to reject. She has tried to create things that are going to go forward to help the city and not set a precedence that somebody would wipe it all out. Council Member Jarvis said his hope would be a future council would come this direction with the other three sections. He said this would only be one section change to section 158.126(a) which only deals with medical marijuana cultivation facilities. He hoped council would consider this and would like make a motion at the appropriate time.

Vice Mayor Vann clarified when this office building goes in, you would never know what's being done in there. Council Member Jarvis said some do but has read other communities would have a fence with military style cameras and not a hard building. Vice Mayor Vann said the growing environment for medical marijuana is completely controlled. She said she wasn't saying she was for or against it, she was saying the average person would not know what was going on inside the building.

Council Member Whilding said he appreciates the concerns. He has had conversations with his kids discussing how this is not a product for recreation or enjoyment but was a product for medical use. He said we devise a lot of medicines from natural resources because they all have components that we can use in medicines. He said these companies are going to go way out of their way to secure and control these environments. He said it is a drug like every other drug but it is not going to be used in a form where it is going to be used as a recreation or enjoyment type of situation. He said you can't smoke it and it has to be processed, the THC has to be taken out and be turned into a product. He said how it would be dispensed was yet to be determined. He said if they were going to be in the game, they need to be in the game and need to allow for cultivation, processing, distribution and use so everybody who needs access has access and everybody who economically wants to be in the game can flourish in Beavercreek. He said everything says medical marijuana so when the state makes recreation marijuana legal the city is covered. Council Member Jarvis said his other concern with the facilities was as it currently stands the grow operations in Ohio would have to act on a cash basis. He said there are no banks, credit unions, or ACH transactions that are going to work with them. He said with all this cash there is an increased chance of crime and burglary at these places. He said until the state changes that there was this concern.

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Mayor Stone said if we are going to address and allow this at any stage, he thought they needed to allow room for any type of the operation if that was what they chose to do. He said the cash thing would be involved in all stages and questioned the 500 foot buffer. Mr. McHugh said that was part of the state statute for churches and schools but not for homes. Council Member Jarvis said they needed something larger than what currently permitted. Mr. McHugh said currently it would be what was allowed within the zoning district. Mr. McGrath said it would non-residential versus residential use which would be 50 feet. He said when they looked at this during the internet café discussions, the language in the zoning code did prohibit that activity going on any parcel that abutted a residential property. He said they had sent out some maps showing different buffers and what it would look like. He said the 100 foot buffer eliminated any areas from being cultivated within the City of Beavercreek thus essentially banning it. He said Mr. McHugh made it clear if they were going to allow it, they can't overregulate it to the point where it was allowed but can't be physically done anywhere within the city. Mayor Stone asked if they changed the buffer from 50 feet to 100 feet would that be too restrictive. Mr. McHugh said he would want to look at it to make sure there were some legitimate areas. He suggested to continue the second reading and extend the moratorium. Mr. McGrath showed a map with 100 foot buffer. He said if you doubled it, there would be some areas off of Research Park, some land off of Township Road, Mission Point and the Baer property. He said it's not much or that different from the 50 foot in terms of properties that would be permitted. Mr. McHugh said looking at this at 100 feet there were still a lot of areas. He said the question was if those areas were zoned for it currently. Vice Mayor Vann said the only zoning where it would be allowed would be agricultural or industrial.

Council Member Jarvis MOVED to modify section 158.126(a) to prohibit the cultivation of medical marijuana within the limits of the City of Beavercreek. Motion died for lack of a second.

This Ordinance will move automatically to the Third Reading.

**Ordinance 17-11 BOND for Not To Exceed \$1.9 Million for Lofino Renovation and Acquisition of Property (First Reading)**

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$1,900,000 of bonds by the City of Beavercreek, Ohio for the purpose of paying the cost of constructing building improvements in the city, and authorizing an official statement.

Mr. Kucera said this was for the final financing for the Lofino Center along with the ability to refinance some of the existing bonds. He said Ordinance 17-11 was for

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the Lofino Plaza itself. He said they were expecting to complete construction by the end of the quarter. He said with the original financing they received a Bond Anticipation Note (BAN) for \$1.5 million during the architecture and engineering reviews. He said during the reviews several alternatives were added to the project ending with a final budget of \$1.681.6 million. He said it was now time to refinance and put it into a long term bond that was originally decided to do. He said this would pay for the original BAN that was issued, the interest on the BAN, the issuance costs for both the BAN and the bond plus an additional \$175,000 in a contingency if there was an opportunity to obtain land for additional parking. He said this has to go through three readings and 30 days. He said this gives enough time if this opportunity does not present itself, the bond could be adjusted downward for the exact cost of the construction. He said the original idea was to make it a 20 year bond with a goal to minimize the bond duration. He said there were maximum amounts listed in the Ordinance. He said the interest rate was listed not to exceed 5% but should be lower and the duration says 30 years but the maximum the city would consider would be 20 years. He said the legislation was prepared by Dismore & Shohl, the bond attorney.

Vice Mayor Vann MOVED to approve Ordinance 17-11 and move to the second and third readings, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

**Ordinance 17-12** Issuance of Bond Not to Exceed \$715,000 for Refunding Golf Final Judgement Bond (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$715,000 of bonds by the City of Beavercreek, Ohio, for the purpose of refunding bonds issued for the purpose of paying a final judgement, and authorizing an official statement.

Mr. Kucera asked to present Ordinances 12, 14, 15 and 16 altogether. Mr. Kucera said they found three other bonds that were candidates for refinancing to reduce interest rates. He said Ordinances 12, 14 and 15 were general obligation bonds backed by the full faith of the City. He said the bonds would not be sold until September 6<sup>th</sup> so they would be watching the interest rates to ensure a cost benefit. The first bond to refinance was the 2009 Golf Course Judgement Bond which was required to be issued to buyout an old management contract which came through the court system. He said the City was required to issue this bond and pay the management contract. The Bond was originally issued for \$1.07 million with a current principal balance of \$750,000 with 12 years remaining. He said interest rates rise as the bonds go out farther into the maturity. He said the rate was currently 3% and end at 4.2%. He said the anticipated savings would be \$32,300 net over the life of the bond. He said the savings would be recognized in the golf

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fund. The second bond was the 2009 Various Purpose Assessment Bond for the Mission Point and Ballymeade Street Improvements. The original amount was \$1.12 million with a current principal amount of \$815,000 with a remaining life of 13 years. The interest rate was currently 3.375% and end at 5%. The anticipated savings would be \$56,200 net over the life of the bond. He said assessment bonds would save the property owners cost over the remaining life of the bond.

Council Member Wallace asked if the property owners were aware of this. Mr. Kucera said when they have sold the bond, they will reset the assessment amounts with the County Auditor which would be on the owner's tax duplicate.

Mr. Kucera said the third bond was for the 2003 Road Improvement Assessment Bond for road improvements on New Germany-Trebein and Lillian Lane. He said this one was split between the developer and the city. He said 33% comes out of the street fund. The original amount was \$1.29 million with a current principal amount of \$565,000 with a remaining life of six years. The interest rate is currently 4% and end at 4.375%. The anticipated savings would reduce the street fund cost by \$11,385 and the assessments to the property owners by \$23,115 over the remaining life of the bond.

He said Ordinance 17-16 consolidates the Lofino Plaza bond and the three refinancing bonds into one bond. He said the larger the issue brings more institutional investors that could potentially drive down the interest rate. He said the city has not had a Moody's rating call since 2011 and would have them confirm our existing rate or increasing the rating to reduce the interest related to these issues.

Council Member Whilding MOVED to approve Ordinance 17-12 and move to the second and third readings, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

**Ordinance 17-14** Issuance of Bond Not to Exceed \$800,000 for Refunding 2009 Various Purpose Bond (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$800,000 of bonds by the City of Beavercreek, Ohio, for the purpose of refunding bonds issued for the purpose of paying the cost of constructing street improvements in the city, and authorizing an official statement.

Council Member Litteral MOVED to approve Ordinance 17-14 and move to the second and third readings, seconded by Council Member Whilding. Motion PASSED by majority voice vote.



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**Ordinance 17-15** Issuance of Bond Not to Exceed \$580,000 for Refunding 2003 Kontagionnis Hills Bonds (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$580,000 of bonds by the City of Beavercreek, Ohio, for the purpose of refunding bonds issued for the purpose of paying the cost of constructing street improvements in the city, and authorizing an official statement.

Council Member Upton MOVED to approve Ordinance 17-15 and move to the second and third readings, seconded by Council Member Whilding. Motion PASSED by majority voice vote.

**Ordinance 17-16** Issuance of Bond Not to Exceed \$3.995 Million for Refinancing Outstanding Bonds and Notes Originally Issued for Various Purposes and Consolidating Into One Bond Issue (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$3,995,000 of bonds by the City of Beavercreek, Ohio, for the purpose of refinancing outstanding bonds and notes originally issued for various purposes, authorizing an official statement and an escrow deposit agreement.

Vice Mayor Vann MOVED to approve Ordinance 17-16 and move to the second and third readings, seconded by Council Member Jarvis. Motion PASSED by majority voice vote.

**Ordinance 17-17** Issuance of Bond Anticipation Notes Not to Exceed \$350,000 for Traditions at Beavercreek Project Second Renewal (First Reading)

Clerk Lampton read an Ordinance providing for the issuance of not to exceed \$350,000 road improvement special assessment bond anticipation notes (Traditions at Beavercreek Project), second (2017) renewal by the City of Beavercreek, Ohio in anticipation of the issuance of bonds.

Mr. Kucera said this was a renewal of Traditions special assessment BAN anticipation note. He said in 2016 they started working on this project. He said the original intent was to add a third lane into that development. He said along the way, it was realized there were other requirements needed to be done. He said there was delays in redesigning the project, requiring additional utility relocations and right-of-way acquisitions. He said the other delay was to not have both sides of Shakertown being worked on at the same time. He said they have spoken with the developer and have agreed to delay the project until 2018 and renew the

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existing bond anticipation note. He said they would like to renew the BAN for a third time and complete the project in 2018. He said it is a one year BAN and once the project is completed the assessment bond will be issued to the developer. He said this would include the interest on all the BANs issues, the cost of the issuance of the BANs and the cost of the issuing of the long term bond. He said the city would not be out of any money.

Council Member Jarvis MOVED to approve Ordinance 17-17 and move to the second and third readings, seconded by Council Member Wallace. Motion PASSED by majority voice vote.

#### **CITY MANAGER'S REPORT**

Mr. Landrum reviewed the road closures. He thanked the volunteers, staff and sponsors for a successful 4<sup>th</sup> of July. The Spicer Heights Park ribbon cutting and Party in Your Park would be held on July 14<sup>th</sup> at 6:00 p.m. He congratulated the Police Department for MVRMA recognizing the Beavercreek Police Department for being in 100% compliance with the recommended Law Enforcement Best Practices.

#### **MAYOR'S REPORT**

Mayor Stone said the 4<sup>th</sup> of July parade was a success. He participated in the Aerospace Directorate Anniversary. Party on the Patio would be held on July 14<sup>th</sup> at the Beavercreek Golf Course from 6:00-9:00 p.m.

#### **COUNCIL TIME**

Council Member Litteral gave special thanks to Tabitha of Decoy Art for their creativity on the 4<sup>th</sup> of July float. She appreciated the opportunity to judge at the floats. Beaver Vu Bowl held the Proprietor's Cup which brought in PBA bowlers from across the country.

Council Member Upton had the opportunity to tour the Lofino Center construction which was making amazing progress. He appreciates everyone's hard work.

Council Member Wallace thanked the Beavercreek High School Marching Band and Color Guard for participating in the 4<sup>th</sup> of July parade. She thanked the residents of Beavercreek for being orderly during the parade.

Council Member Jarvis said the 4<sup>th</sup> July was a great event. He thanked the sponsors and Beavercreek Baptist Church provided a tent for the Band of Flight.

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Council Member Whilding Council Member Litteral reviewed the employee anniversaries. Congratulations to everyone. He said Council completed the six month evaluation for city manager who met or exceeded expectations.

Vice Mayor Vann said there was a request from a resident to support Heartfest held at Heartfulness Dayton on Lantz Road. The event will be held on August 19, 2017 from 10:00 a.m. to 5:00 p.m. She said a resident asked the City to consider to being a City of peace. She said she would support this.

### **CITIZEN COMMENTS**

Daniel Huiet, 2036 Brookridge, Beavercreek, Ohio

Mr. Huiet said he was the owner of Great Escape Game. He said several months ago he paid an ODOT authorized company to place a sign on North Fairfield and U.S. 35 westbound as well as North Fairfield and Kemp Road. He said on February 2<sup>nd</sup>, 2017 the City of Beavercreek wrote the following email to that company which said "The Planning Zoning department does not regulate signage in the right-of-way (other than to prohibit it) However, if this is an ODOT authorized sign, our engineering department, which regulates objects in City right-of-way, will not be requiring any permits for it." He said the sign was installed on Kemp and 35 about a month ago and about a week after it was installed the sign on North Fairfield and Kemp was removed. He said he was not informed about the removal. He said he drove by and saw that it wasn't there. He had a meeting early last week with Jeff Moorman, City Engineer, to discuss why the sign was removed. He said during the meeting Mr. Moorman told him he did not like the placement and location of the sign and created a new policy after his sign was installed on North Fairfield and Kemp to have it removed simply for that reason. He said he didn't quite understand the reason so he pressed Mr. Moorman further to give him a better explanation. He said he did not receive a better explanation other than the fact that he did not like the placement of the sign. He understood this was a similar problem the Wendy's Corporation had in 2004 with a sign on Dayton-Xenia. He said he had all the records from 2004 approving that sign. He said it was his understanding the Wendy's sign was removed this past week as well. He said as a lifelong citizen of Beavercreek and small business owner he felt it was very unfair that the sign was removed particularly after the sign was approved by the City of Beavercreek, particularly the engineering department in February of this year. He said the ODOT authorized company was just as confused as he was. He strongly believed the Great Escape brings value to the community especially that sign bringing value as well. He gave an example on July 3<sup>rd</sup> at 1:00 p.m. he had five members play the bank vault game and he asked where they had heard about him. She said she saw the sign on 35. He said she couldn't find the location. She said she saw a Facebook advertisement shortly afterwards and was able to find the location. He said the last twelve months has brought in over 1,000 people per

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month to Great Escape. He said these people come from all over the place. He said they don't just spend their money at Great Escape, they go out to restaurants, gas stations and drive-thrus. He said as a citizen of Beavercreek it was important to bring the money here and keep it here. He said if that family did not see that sign and not go, then they would have taken their money outside of the city.

Mayor Stone said most, if not all of Council, was familiar with the issue. He hoped Mr. Huiet would reach out to the City Manager and set up the necessary meetings to try to get a full explanation. He said there may have been some confusion at some point. He said they would not get into that tonight. He said they heard what he said and would expect the staff to follow through.

Bob Sharp, 3331 Pebble Creek Drive, Beavercreek, Ohio

Mr. Sharp said Sunday afternoon about 3:30 p.m. there was another collision where a car was attempting to turn left onto Pebble Creek Drive and was rear ended. He said he has come to council over the years and talked about Pebble Creek Drive, for widening Fairfield Road, and a traffic light at Fairfield and Pebble Creek. He said Pebble Creek Drive was a busy road because many people turn there to go back into the areas like Harry Truman, Winston Churchill, Turnbull, and so forth because it's a quicker turn than going up to Fairwood at the Nazarene Church which has a traffic light. He said he was thankful when that traffic light was installed and it was widened there for a turn lane. He said this happens frequently but has not kept track of the number of accidents there but it's really a needless situation. He said a lot of people are sandwiched. He said that is an area that needs to be considered. He hoped Council would seriously look into it and consider it.

Mr. Kucera introduced Andy Brossart, who is a partner with Bradley Payne Advisors who will be helping the city get the bonds on the market and get the best interest rate available.

Mr. Brossart explained they were taking some of the city's long term notes while interest rates are relatively low to refinance. He said the bond flow for municipal bonds was relatively weak. He said putting the bonds together will save money as they get to the market. He said should things continue to increase in the marketplace, it wouldn't make to sense to refinance so they would just wait until another time. He reviewed the rating process with Moody's.

Citizen comments was closed.

## **ADJOURNMENT**

BEAVERCREEK CITY COUNCIL

REGULAR

July 10, 2017

Council Member Litteral MOVED to adjourn the meeting at 8:14 p.m., seconded by Council Member Wallace. Motion PASSED by majority voice vote.

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Bob Stone, Mayor

ATTEST:

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Dianne Lampton  
Clerk of Council  
Cmin071017

## **ORDINANCE NO. 17-09**

### **CITY OF BEAVERCREEK**

SPONSORED BY VICE MAYOR VANN ON THE 26<sup>TH</sup> DAY OF JUNE, 2017.

**AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 9.3 ACRES OF LAND FROM B-2 COMMUNITY BUSINESS AND B-4 HIGHWAY BUSINESS TO C-PUD COMMERCIAL PLANNED UNIT DEVELOPMENT, LOCATED APPROXIMATELY 650 FEET WEST OF THE INTERSECTION OF COLONEL GLENN HIGHWAY AND EASTSIDE DRIVE AND FURTHER DESCRIBED AS BOOK 1, PAGE 2, PARCELS 2 AND 72 ON THE GREENE COUNTY PROPERTY TAX ATLAS. (PUD 17-1)**

Whereas, Colonel Glenn Limited IV, 4232 Colonel Glenn Highway, Beavercreek Ohio 45431 requests rezoning and concept plan approval; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment with conditions and requirements; and

WHEREAS, Beavercreek City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.065 of the Zoning Code; and

WHEREAS, Beavercreek City Council finds that, pursuant to §158.072 of the Zoning Code, each and all of the excluded uses are inappropriate for this specific Planned Unit Development; and

WHEREAS, Beavercreek City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

#### SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 9.3 acres of land, located at 4200 Colonel Glenn Highway, known as B42000100020007200 and B42000100020000200 and as further described in the attached "Exhibit A" be rezoned to C-PUD Commercial Planned Unit Development.

## SECTION II

The following conditions and requirements shall apply:

1. The site plan dated "Received May 10, 2017" shall be adopted as the approved site plan for this C-PUD, except as modified herein.
2. The permitted and conditionally permitted uses within this PUD shall be those uses that are conditional and permitted in B-4 zoning districts, with the exception of the following:
  - i. Adult entertainment facilities in accordance with §158.28 (conditional)
  - ii. Drug and alcohol addiction rehabilitation clinics
  - iii. Kennel or cattery (conditional)
  - iv. Manufactured home sales (conditional)
  - v. Self-storage warehouses (conditional)
  - vi. Veterinary clinics with kennels or animal hospitals
3. Any new signage shall adhere to the requirements of the B-4 zoning district and shall require the approval of zoning permits prior to installation.
4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes, within three months, weather permitting.
5. All trash collection containers shall be enclosed within a building or screened from view and enclosed within a permanent dumpster enclosure. All dumpster enclosures shall be constructed with materials to match the building. The final location of the dumpster shall be reviewed and approved by the Planning and Zoning Department prior to the issuance of a zoning permit.
6. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including the storm drainage facilities. The City reserves the right to require more frequent collection as necessary.
7. All concerns of the City Engineer, Fire Department, Sanitary Engineer and the Planning Department shall be addressed and approved prior to the release of any zoning permit.

### SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

### SECTION IV

This Ordinance shall take effect from and after the earliest period allowed by law.

PASSED this 24<sup>th</sup> day of July, 2017.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Lampton, Clerk of Council

### SUMMARY

This Ordinance adopts a recommendation to rezone approximately 9.3 acres of land located at 4200 Colonel Glenn Highway from B-2 and B-4 to C-PUD.

This is not an emergency ordinance and will become effective 30 days after passage.

PUD 17-1 Dave Dennis Ordinance



## **ORDINANCE NO. 17-10**

### **CITY OF BEAVERCREEK**

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 26<sup>TH</sup> DAY OF JUNE, 2017.

#### **AN ORDINANCE AMENDING CHAPTER 158, BY MAKING CERTAIN ADDITIONS, DELETIONS AND CHANGES TO VARIOUS SECTIONS OF THE ZONING CODE AND DECLARING AN EMERGENCY. (PC 17-3)**

WHEREAS, the City of Beavercreek Planning Commission has determined it necessary to make certain additions, deletions and changes to the Beavercreek Zoning Code; and

WHEREAS, a public hearing was held June 7, 2017 and Planning Commission voted to recommend the additions, deletions and changes to various sections of Chapter 158, the Zoning Code, to City Council; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission with amendments, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

#### **SECTION I**

The current language, numbers and words of various sections of Chapter 158, the Zoning Code, shall be, and hereby is, amended with the additions, deletions and changes as described in the attached Exhibit A dated July 6, 2017.

#### **SECTION II**

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

### SECTION III

This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and will immediately take effect upon adoption.

PASSED this 24<sup>th</sup> day of July, 2017.

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Bob Stone, Mayor

ATTEST:

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Dianne Lampton, Clerk of Council

### SUMMARY

This Ordinance adopts the proposed changes to the Zoning Code as described in Exhibit A dated June 21, 2017. This is an emergency ordinance and will become effective immediately upon approval.

PC 17-3 Zoning Code Revisions Ordinance

Agenda Item VII. C.  
Ordinance 17-11  
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance and sale of not to exceed \$1,900,000 Building Improvement Limited Tax General Obligation Bonds:

Mayor	<u>Bob Stone</u>
City Manager	<u>Pete Landrum</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Stephen McHugh</u>

\_\_\_\_\_  
City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified Bonds.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in response to the request of the City Council of the City of Beavercreek, Ohio, the Fiscal Officer of the City of Beavercreek, being the Fiscal Officer of the City of Beavercreek within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the project to be funded with the proceeds of the sale not to exceed \$1,900,000 of Bonds issued for the purpose of permanently financing bond anticipation notes originally issued for the purposes of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, paying additional project costs, including land acquisition costs, and paying certain costs related to the issuance of the Bonds, is at least five (5) years and that the maximum maturity of said Bonds is thirty (30) years.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Financial Administrative Services Director

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 17-11

SPONSORED BY VICE MAYOR VANN ON THE 10<sup>TH</sup> DAY OF JULY, 2017

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,900,000 OF BONDS BY THE CITY OF BEAVERCREEK, OHIO, FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING BUILDING IMPROVEMENTS IN THE CITY, AND AUTHORIZING AN OFFICIAL STATEMENT.

WHEREAS, the City has previously issued its \$1,500,000 Building Improvement Bond Anticipation Notes, (the "Notes") currently outstanding in the amount of \$1,500,000 and originally issued for the purpose of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, which notes are about to mature should be permanently financed in an increased principal amount to pay additional costs, including land acquisition costs;

WHEREAS, the Fiscal Officer of the City has heretofore estimated that the life of the hereinafter described improvement is at least five (5) years, and certified that the maximum maturity of the bonds is thirty (30) years;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL (hereinafter the "Council"), the City of Beavercreek (hereinafter called the "City"), County of Greene, Ohio:

SECTION 1. That it is necessary to issue bonds of the City in the principal sum not to exceed \$1,900,000 for the purpose of permanently financing bond anticipation notes originally for the purposes of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, paying additional project costs, including land acquisition costs, and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That Bonds of the City shall be issued in the principal sum of not to exceed \$1,900,000, for the purpose aforesaid. Said Bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 (or R-1) upward, shall be dated as of their date of issuance or such other date as determined by the Financial Administrative Services Director, and shall bear interest at the rates and at a net interest cost as set forth in the certificate of award setting forth the final terms of the Bonds (the "Certificate of Award") (but such net interest cost shall not be in excess of five and one half per centum (5.50%) per annum), payable semiannually on June 1 and December 1 of each year commencing December 1, 2017, or such other dates as are determined by the Financial Administrative Services Director, until the principal sum is paid, as set forth in the Certificate of Award, within the limitations set forth in

Chapter 133 of the Ohio Revised Code, without further action of the Council. Said Bonds shall mature or be subject to mandatory sinking fund redemption, as set forth in the Certificate of Award, without further action of the council.

The Bonds may be subject to optional redemption by the City prior to maturity as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this Council.

SECTION 3. That said Bonds shall be designated "Building Improvement Limited Tax General Obligation Bonds" (the "Bonds") and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the City Manager and the Financial Administrative Services Director. The Bonds may but shall not be required to bear the seal of the City, or a facsimile thereof. The Financial Administrative Services Director or such bank or trust company as is selected by the Financial Administrative Services Director, shall act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such dates as are selected by the Financial Administrative Services Director) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. The proceeds from the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized herein.

SECTION 5. That the Bonds shall be sold at public or private sale at a price of not less than ninety-seven percent of the par value of the Bonds. The proceeds from the sale of said Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the costs of issuance of the Bonds and the principal and interest on the Bonds in the manner provided by law.

The City Manager or the Financial Administrative Services Director are hereby authorized to conduct such sale of the bonds and to execute and deliver, without further action of the Council, the Certificate of Award setting forth the final terms of the Bonds. The signature of said officer on the Certificate of Award shall be conclusive evidence that the terms of the Bonds are acceptable to the City.

If requested by the purchaser of the Bonds, the City Manager or the Financial Administrative Services Director is hereby authorized to execute and deliver, without further action of this Council a bond purchase agreement between the City and the purchaser of the Bonds.

SECTION 6. That the Bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the Bonds are to run, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said Bonds when and as the same fall due; provided, however, to the extent that other revenues, are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 7. The City Manager and Financial Administrative Services Director, or either of them, is hereby authorized to take any and all actions which may be necessary to issue the Bonds in book-entry-only form or in such form as will render the Bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 8. The Financial Administrative Services Director and the City Manager, or either of them, is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's Investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

SECTION 9. That this City Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account

reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage Bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Bonds are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, the Issuer did not issue more than \$10,000,000 qualified tax-exempt obligations during the year of original issuance.

SECTION 10. The City Manager and Financial Administrative Services Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2017"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$580,000 Street Improvement Special Assessment Refunding Bonds (Kontagionnis Hills); not to exceed \$800,000 Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds; and not to exceed \$715,000 Limited Tax General Obligation Judgment Refunding Bonds.

SECTION 11. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 12. If required by the City's municipal advisor or legal counsel, the Financial Administrative Services Director and the City Council are hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the Bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the Bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rules 15c2-12. The execution of the final official statement by such officer shall be conclusive evidence of its authorization and approval.

SECTION 13. That this City Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including



seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 14. That the firm of Dinsmore & Shohl LLP ("Dinsmore") is hereby engaged as the City's "bond counsel" and that the City Manager and Financial Administrative Services Director are hereby authorized and directed to execute and deliver the engagement letter of Dinsmore in the form on file with the Clerk of Council.

SECTION 15. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SECTION 16. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

**TO THE CLERK:**

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 17-11 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$1,900,000 BUILDING IMPROVEMENT LIMITED TAX GENERAL OBLIGATION BONDS, BY THE CITY OF BEAVERCREEK, OHIO."

was passed on \_\_\_\_\_, 2017. Said Ordinance shall become effective as provided by law.

---

Stephen McHugh  
City Attorney

**CERTIFICATE OF PUBLICATION**

I \_\_\_\_\_, clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in \_\_\_\_\_  
\_\_\_\_\_ on the following date(s) to wit:

Dated the \_\_\_\_ day of \_\_\_\_\_, 2017.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 17-11.

---

Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the Greene County Auditor.

---

Financial Administrative Services Director

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

---

Greene County Auditor

Dated: \_\_\_\_\_

Agenda Item VII. D.  
Ordinance 17-12  
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance and sale of not to exceed \$715,000 Limited Tax General Obligation Judgment Refunding Bonds:

Mayor	<u>Bob Stone</u>
City Manager	<u>Pete Landrum</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Stephen McHugh</u>

\_\_\_\_\_  
City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified Bonds.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in response to the request of the City Council of the City of Beavercreek, Ohio, the Fiscal Officer of the City of Beavercreek, being the fiscal officer of the City of Beavercreek within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the project to be funded with the proceeds of the sale not to exceed \$715,000 of Bonds issued for the purpose of refunding bonds originally issued for the purpose of paying a final judgment, evidenced by a settlement approved by the Greene County Court of Common Pleas, Civil Division in the matter of City of Beavercreek (Plaintiff) v. Vintage Golf Properties, Inc. (Defendant), and paying certain costs related to the issuance of the Bonds, is at least five (5) years and that the remaining maximum maturity of said Bonds is twelve (12) years.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Financial Administrative Services Director

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 17-12

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$715,000 OF BONDS BY THE CITY OF BEAVERCREEK, OHIO, FOR THE PURPOSE OF REFUNDING BONDS ISSUED FOR THE PURPOSE OF PAYING A FINAL JUDGMENT, AND AUTHORIZING AN OFFICIAL STATEMENT.

WHEREAS, the City has previously issued its \$1,070,000 Judgment Bonds Series 2009, (the "Judgment Bonds"), which were originally issued for the purpose of paying a final judgment evidenced by a settlement approved by the Greene County Court of Common Pleas, Civil Division in the matter of City of Beavercreek (Plaintiff) v. Vintage Golf Properties, Inc. (Defendant) and paying certain costs related to the issuance of the bonds; and

WHEREAS, the City now desires to refund as much of the currently outstanding Judgment Bonds (\$750,000) as is economically advantageous, in order to achieve interest cost savings; and

WHEREAS, the Fiscal Officer of the City has heretofore estimated that the life of the hereinafter described improvement is at least five (5) years, and certified that the remaining maximum maturity of the bonds is twelve (12) years;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL (hereinafter the "Council"), the City of Beavercreek (hereinafter called the "City"), County of Greene, Ohio:

SECTION 1. That it is necessary to issue bonds of the City in the principal sum not to exceed \$715,000 for the purpose of refunding the Judgment Bonds originally issued for the purpose of paying a final judgment evidenced by a settlement approved by the Greene County Court of Common Pleas, Civil Division in the matter of City of Beavercreek (Plaintiff) v. Vintage Golf Properties, Inc. (Defendant), and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That Bonds of the City shall be issued in the principal sum of not to exceed \$715,000, for the purpose aforesaid. Said Bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 (or R-1) upward, shall be dated as of their date of issuance or such other date as determined by the Financial Administrative Services Director, and shall bear interest at the rates and at a net interest cost as set forth in the certificate

of award setting forth the final terms of the Bonds (the "Certificate of Award") (but such net interest cost shall not be in excess of four and two tenths per centum (4.20%) per annum), payable semiannually on June 1 and December 1 of each year commencing December 1, 2017, or such other dates as are determined by the Financial Administrative Services Director, until the principal sum is paid, as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the City Council. Said Bonds shall mature or be subject to mandatory sinking fund redemption, as set forth in the Certificate of Award, without further action of the City Council.

The Bonds may be subject to optional redemption by the City prior to maturity as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this Council.

SECTION 3. That said Bonds shall be designated "Limited Tax General Obligation Judgment Refunding Bonds" (the "Bonds") and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the City Manager and the Financial Administrative Services Director. The Bonds may but shall not be required to bear the seal of the City, or a facsimile thereof. The Financial Administrative Services Director or such bank or trust company as is selected by the Financial Administrative Services Director, shall act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such dates as are selected by the Financial Administrative Services Director) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. The proceeds from the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized herein.

SECTION 5. That the Bonds shall be sold at public or private sale at a price of not less than ninety-seven percent of the par value of the Bonds. The proceeds from the sale of said

Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the costs of issuance of the Bonds and the principal and interest on the Bonds in the manner provided by law.

The City Manager or the Financial Administrative Services Director are hereby authorized to conduct such sale of the bonds and to execute and deliver, without further action of the City Council, the Certificate of Award setting forth the final terms of the Bonds. The signature of said officer on the Certificate of Award shall be conclusive evidence that the terms of the Bonds are acceptable to the City.

If requested by the purchaser of the Bonds, the City Manager or the Financial Administrative Services Director is hereby authorized to execute and deliver, without further action of this City Council a bond purchase agreement between the City and the purchaser of the Bonds.

SECTION 6. That the Bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the Bonds are to run, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said Bonds when and as the same fall due; provided, however, to the extent that other revenues, are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 7. The City Manager and Financial Administrative Services Director, or either of them, is hereby authorized to take any and all actions which may be necessary to issue the Bonds in book-entry-only form or in such form as will render the Bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this City Council, including execution of all documents necessary therefor.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 8. The Financial Administrative Services Director and the City Manager, or either of them, is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's Investors Service, and/or to purchase



bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

SECTION 9. That this City Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage Bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Bonds are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, the Issuer did not issue more than \$10,000,000 qualified tax-exempt obligations during the year of original issuance.

SECTION 10. The City Manager and Financial Administrative Services Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2017"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$580,000 Street Improvement Special Assessment Refunding Bonds (Kontagionnis Hills); not to exceed \$1,900,000 Building Improvement Limited Tax General Obligation Bonds; and not to exceed \$800,000 Street Improvement Special Assessment Refunding Bonds.

SECTION 11. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 12. If required by the City's municipal advisor or legal counsel, the Financial Administrative Services Director and the City Council are hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the Bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the Bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rules 15c2-12. The execution of the final official statement by such officer shall be conclusive evidence of its authorization and approval.

SECTION 13. In connection with the issuance of the Bonds and to serve the rights of the holders of the Judgment Bonds that are refunded hereby, the Financial Administrative Services Director, on behalf of the City Council, is hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with such bank or financial institution as is selected by the Financial Administrative Services Director to act as the escrow trustee (the "Escrow Trustee"), which Escrow Deposit Agreement shall contain such terms as may be agreed upon by the Council and the Escrow Trustee and as shall be approved by bond counsel.

SECTION 14. Dinsmore & Shohl LLP, the purchaser and the Escrow Trustee are each hereby authorized to subscribe for and/or purchase United States Treasury obligations or other suitable and permitted securities on behalf of the City to fund any required escrows.

SECTION 15. That this City Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 16. That the firm of Dinsmore & Shohl LLP ("Dinsmore") is hereby engaged as the City's "bond counsel" and that the Manager and Financial Administrative Services Director are hereby authorized and directed to execute and deliver the engagement letter of Dinsmore in the form on file with the Clerk of Council.

SECTION 17. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SECTION 18. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

**TO THE CLERK:**

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 17-12 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$715,000 LIMITED TAX GENERAL OBLIGATION JUDGMENT REFUNDING BONDS, BY THE CITY OF BEAVERCREEK, OHIO."

was passed on \_\_\_\_\_, 2017. Said Ordinance shall become effective as provided by law.

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Stephen McHugh  
City Attorney

**CERTIFICATE OF PUBLICATION**

I \_\_\_\_\_, clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in \_\_\_\_\_ on the following date(s) to wit:

Dated the \_\_\_\_ day of \_\_\_\_\_, 2017.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the Greene County Auditor.

\_\_\_\_\_  
Financial Administrative Services Director

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

\_\_\_\_\_  
Greene County Auditor

Dated: \_\_\_\_\_

Agenda Item VII. E.  
Ordinance 17-14  
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance and sale of not to exceed \$800,000 Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds:

Mayor	<u>Bob Stone</u>
City Manager	<u>Pete Landrum</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Stephen McHugh</u>

\_\_\_\_\_  
City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified Bonds.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in response to the request of the City Council of the City of Beavercreek, Ohio, the Fiscal Officer of the City of Beavercreek, being the Fiscal Officer of the City of Beavercreek within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the project to be funded with the proceeds of the sale not to exceed \$800,000 of Bonds issued for the purpose of refunding bonds originally issued for the purpose of retiring two outstanding issues of bond anticipation notes originally issued for the purposes of paying the costs of (i) constructing and installing street improvements and improvements to other necessary appurtenances of Shakertown Road and North Fairfield Road in the City for the Ballymeade Project and (ii) constructing and installing street improvements and improvements to other necessary appurtenances of Mission Point Boulevard in the City for the Mission Point Project, and paying certain costs related to the issuance of the Bonds, is at least five (5) years and that the remaining maximum maturity of said Bonds is thirteen (13) years.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Financial Administrative Services Director

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 17-14

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$800,000 OF BONDS BY THE CITY OF BEAVERCREEK, OHIO, FOR THE PURPOSE OF REFUNDING BONDS ISSUED FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING STREET IMPROVEMENTS IN THE CITY, AND AUTHORIZING AN OFFICIAL STATEMENT.

WHEREAS, the City has previously issued its \$1,120,000 Various Purpose Special Assessment Bonds Series 2009, (the "2009 Bonds"), which were originally issued for the purpose of retiring two outstanding issues of bond anticipation notes originally issued for the purposes of paying the costs of (i) constructing and installing street improvements and improvements to other necessary appurtenances of Shakertown Road and North Fairfield Road in the City for the Ballymeade Project and constructing and installing street improvements and improvements to other necessary appurtenances of Mission Point Boulevard in the City for the Mission Point Project and paying certain costs related to the issuance of the bonds; and

WHEREAS, the City now desires to refund as much of the currently outstanding 2009 Bonds (\$815,000) as is economically advantageous, in order to achieve interest cost savings; and

WHEREAS, the Fiscal Officer of the City has heretofore estimated that the life of the hereinafter described improvement is at least five (5) years, and certified that the remaining maximum maturity of the bonds is thirteen (13) years;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL (hereinafter the "Council"), the City of Beavercreek (hereinafter called the "City"), County of Greene, Ohio:

SECTION 1. That it is necessary to issue bonds of the City in the principal sum not to exceed \$800,000 for the purpose of refunding the 2009 Bonds originally issued for the purpose of retiring two outstanding issues of bond anticipation notes originally issued for the purposes of paying the costs of (i) constructing and installing street improvements and improvements to other necessary appurtenances of Shakertown Road and North Fairfield Road in the City for the Ballymeade Project and constructing and installing street improvements and improvements to other necessary appurtenances of Mission Point Boulevard in the City for the Mission Point Project, and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That Bonds of the City shall be issued in the principal sum of not to exceed \$800,000, for the purpose aforesaid. Said Bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 (or R-1) upward, shall be dated as of their date of issuance or such other date as determined by the Financial Administrative Services Director, and shall bear interest at the rates and at a net interest cost as set forth in the certificate

of award setting forth the final terms of the Bonds (the "Certificate of Award") (but such net interest cost shall not be in excess of five per centum (5.00%) per annum), payable semiannually on June 1 and December 1 of each year commencing December 1, 2017, or such other dates as are determined by the Financial Administrative Services Director, until the principal sum is paid, as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the City Council. Said Bonds shall mature or be subject to mandatory sinking fund redemption, as set forth in the Certificate of Award, without further action of the City Council.

The Bonds may be subject to optional redemption by the City prior to maturity as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this City Council.

SECTION 3. That said Bonds shall be designated "Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds" (the "Bonds") and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the Manager and the Financial Administrative Services Director. The Bonds may but shall not be required to bear the seal of the City, or a facsimile thereof. The Financial Administrative Services Director or such bank or trust company as is selected by the Financial Administrative Services Director, shall act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such dates as are selected by the Financial Administrative Services Director) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. The proceeds from the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized herein.

SECTION 5. That the Bonds shall be sold at public or private sale at a price of not less than ninety-seven percent of the par value of the Bonds. The proceeds from the sale of said



Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the costs of issuance of the Bonds and the principal and interest on the Bonds in the manner provided by law.

The City Manager or the Financial Administrative Services Director are hereby authorized to conduct such sale of the bonds and to execute and deliver, without further action of the City Council, the Certificate of Award setting forth the final terms of the Bonds. The signature of said officer on the Certificate of Award shall be conclusive evidence that the terms of the Bonds are acceptable to the City.

If requested by the purchaser of the Bonds, the Manager or the Financial Administrative Services Director is hereby authorized to execute and deliver, without further action of this City Council a bond purchase agreement between the City and the purchaser of the Bonds.

SECTION 6. That the Bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the Bonds are to run, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said Bonds when and as the same fall due; provided, however, to the extent that other revenues, are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 7. The City Manager and Financial Administrative Services Director, or either of them, is hereby authorized to take any and all actions which may be necessary to issue the Bonds in book-entry-only form or in such form as will render the Bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this City Council, including execution of all documents necessary therefor.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 8. The Financial Administrative Services Director and the City Manager, or either of them, is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's Investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by Bond Counsel.

SECTION 9. That this City Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage Bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Bonds are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, the Issuer did not issue more than \$10,000,000 qualified tax-exempt obligations during the year of original issuance.

SECTION 10. The City Manager and Financial Administrative Services Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2017"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$580,000 Street Improvement Special Assessment Refunding Bonds (Kontagionnis Hills); not to exceed \$1,900,000 Building Improvement Limited Tax General Obligation Bonds; and not to exceed \$715,000 Limited Tax General Obligation Judgment Refunding Bonds.

SECTION 11. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 12. If required by the City's municipal advisor or legal counsel, the Financial Administrative Services Director and the City Council are hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the Bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the Bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rules 15c2-12. The execution of the final official statement by such officer shall be conclusive evidence of its authorization and approval.

SECTION 13. In connection with the issuance of the Bonds and to serve the rights of the holders of the 2009 Bonds that are refunded hereby, the Financial Administrative Services Director, on behalf of the City Council, is hereby authorized and directed to execute and deliver

an Escrow Deposit Agreement with such bank or financial institution as is selected by the Financial Administrative Services Director to act as the escrow trustee (the "Escrow Trustee"), which Escrow Deposit Agreement shall contain such terms as may be agreed upon by the City Council and the Escrow Trustee and as shall be approved by Bond Counsel.

SECTION 14. Dinsmore & Shohl LLP, the purchaser and the Escrow Trustee are each hereby authorized to subscribe for and/or purchase United States Treasury obligations or other suitable and permitted securities on behalf of the City to fund any required escrows.

SECTION 15. That this City Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this City Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 16. That the firm of Dinsmore & Shohl LLP ("Dinsmore") is hereby engaged as the City's "Bond Counsel" and that the City Manager and Financial Administrative Services Director are hereby authorized and directed to execute and deliver the engagement letter of Dinsmore in the form on file with the Clerk of Council.

SECTION 17. That it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this City Council, and that all deliberations of this City Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SECTION 18. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_

Clerk of Council

TO THE CLERK:

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 17-14 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$800,000 STREET IMPROVEMENT SPECIAL ASSESSMENT LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, BY THE CITY OF BEAVERCREEK, OHIO."

was passed on \_\_\_\_\_, 2017. Said Ordinance shall become effective as provided by law.

---

Stephen McHugh  
City Attorney

**CERTIFICATE OF PUBLICATION**

I \_\_\_\_\_, Clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in \_\_\_\_\_ on the following date(s) to wit:

Dated the \_\_\_\_ day of \_\_\_\_\_, 2017.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the Greene County Auditor.

\_\_\_\_\_  
Financial Administrative Services Director

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

\_\_\_\_\_  
Greene County Auditor

Dated: \_\_\_\_\_

Agenda Item VII. F.  
Ordinance 17-15  
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance and sale of not to exceed \$580,000 Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds (Kontagionnis Hills):

Mayor	<u>Bob Stone</u>
City Manager	<u>Pete Landrum</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Stephen McHugh</u>

\_\_\_\_\_  
City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified Bonds.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in response to the request of the City Council of the City of Beavercreek, Ohio, the Fiscal Officer of the City of Beavercreek, being the fiscal officer of the City of Beavercreek within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the project to be funded with the proceeds of the sale not to exceed \$580,000 of Bonds issued for the purpose of refunding bonds originally issued for the purpose of retiring outstanding bond anticipation notes originally issued for the purpose of paying the costs of constructing and installing improvements to New Germany Trebein Road and Lillian Lane, funding capitalized interest, and paying certain costs related to the issuance of the Bonds, is at least five (5) years and that the remaining maximum maturity of said Bonds is seven (7) years.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_,  
2017.

\_\_\_\_\_  
Financial Administrative Services Director

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 17-15

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$580,000 OF BONDS BY THE CITY OF BEAVERCREEK, OHIO, FOR THE PURPOSE OF REFUNDING BONDS ISSUED FOR THE PURPOSE OF PAYING THE COST OF CONSTRUCTING STREET IMPROVEMENTS IN THE CITY, AND AUTHORIZING AN OFFICIAL STATEMENT.

WHEREAS, the City has previously issued its \$1,290,000 Street Improvement Special Assessment Limited Tax General Obligation Bonds (Kontagionnis Hills), (the "2003 Bonds"), which were originally issued for the purpose of retiring outstanding bond anticipation notes originally issued for the purpose of paying the costs of constructing and installing improvements to New Germany Trebein Road and Lillian Lane, funding capitalized interest and paying certain costs related to the issuance of the bonds; and

WHEREAS, the City now desires to refund as much of the currently outstanding 2003 Bonds (\$565,000) as is economically advantageous, in order to achieve interest cost savings; and

WHEREAS, the Fiscal Officer of the City has heretofore estimated that the life of the hereinafter described improvement is at least five (5) years, and certified that the remaining maximum maturity of the bonds is seven (7) years;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL (hereinafter the "Council"), the City of Beavercreek (hereinafter called the "City"), County of Greene, Ohio:

SECTION 1. That it is necessary to issue bonds of the City in the principal sum not to exceed \$580,000 for the purpose of refunding the 2003 Bonds originally issued for the purpose of retiring outstanding bond anticipation notes originally issued for the purpose of paying the costs of constructing and installing improvements to New Germany Trebein Road and Lillian Lane, funding capitalized interest, and paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That Bonds of the City shall be issued in the principal sum of not to exceed \$580,000, for the purpose aforesaid. Said Bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 (or R-1) upward, shall be dated as of their date of issuance or such other date as determined by the Financial Administrative Services Director, and shall bear interest at the rates and at a net interest cost as set forth in the certificate of award setting forth the final terms of the Bonds (the "Certificate of Award") (but such net interest cost shall not be in excess of four and three hundred seventy-five thousandths per centum (4.375%) per annum), payable semiannually on June 1 and December 1 of each year



commencing December 1, 2017, or such other dates as are determined by the Financial Administrative Services Director, until the principal sum is paid, as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the Council. Said Bonds shall mature or be subject to mandatory sinking fund redemption, as set forth in the Certificate of Award, without further action of the council.

The Bonds may be subject to optional redemption by the City prior to maturity as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this Council.

SECTION 3. That said Bonds shall be designated "Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds (Kontagionnis Hills)" (the "Bonds") and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the City Manager and the Financial Administrative Services Director. The Bonds may but shall not be required to bear the seal of the City, or a facsimile thereof. The Financial Administrative Services Director or such bank or trust company as is selected by the Financial Administrative Services Director, shall act as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount of each Bond shall be payable at the office of the Paying Agent and Registrar and interest thereon shall be made on each interest payment date to the person whose name appears on the record date (May 15 and November 15 for June 1 and December 1 interest, respectively, or such dates as are selected by the Financial Administrative Services Director) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The Bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the Bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. The proceeds from the sale of the Bonds shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized herein.

SECTION 5. That the Bonds shall be sold at public or private sale at a price of not less than ninety-seven percent of the par value of the Bonds. The proceeds from the sale of said Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be

transferred to the Bond Retirement Fund to be applied to the payment of the costs of issuance of the Bonds and the principal and interest on the Bonds in the manner provided by law.

The Manger or the Financial Administrative Services Director are hereby authorized to conduct such sale of the bonds and to execute and deliver, without further action of the Council, the Certificate of Award setting forth the final terms of the Bonds. The signature of said officer on the Certificate of Award shall be conclusive evidence that the terms of the Bonds are acceptable to the City.

If requested by the purchaser of the Bonds, the City Manager or the Financial Administrative Services Director is hereby authorized to execute and deliver, without further action of this Council a bond purchase agreement between the City and the purchaser of the Bonds.

SECTION 6. That the Bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the Bonds are to run, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the Bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said Bonds when and as the same fall due; provided, however, to the extent that other revenues, are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 7. The City Manager and Financial Administrative Services Director, or either of them, is hereby authorized to take any and all actions which may be necessary to issue the Bonds in book-entry-only form or in such form as will render the Bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 8. The Financial Administrative Services Director and the City Manager, or either of them, is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's Investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

SECTION 9. That this City Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the Bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage Bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of the Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Bonds are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, the Issuer did not issue more than \$10,000,000 qualified tax-exempt obligations during the year of original issuance.

SECTION 10. The City Manager and Financial Administrative Services Director are hereby authorized to combine these Bonds with three other bond issues authorized under separate legislation into a single consolidated issue of bonds for purposes of their sale as a single issue. If so combined, the consolidated issue of bonds shall be known as "Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2017"; such consolidated issue shall be dated, mature and bear interest, be executed and be denominated in a manner consistent with the provisions of this ordinance relating to the bonds, authorized herein. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of bonds authorized by this ordinance and the amount of bonds authorized by the ordinances providing for the issuance of not to exceed \$1,900,000 Building Improvement Limited Tax General Obligation Bonds; not to exceed \$800,000 Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds; and not to exceed \$715,000 Limited Tax General Obligation Judgment Refunding Bonds.

SECTION 11. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 12. If required by the City's municipal advisor or legal counsel, the Financial Administrative Services Director and the Council are hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the Bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the Bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rules 15c2-12. The execution of the final official statement by such officer shall be conclusive evidence of its authorization and approval.

SECTION 13. In connection with the issuance of the Bonds and to serve the rights of the holders of the 2003 Bonds that are refunded hereby, the Financial Administrative Services Director, on behalf of the Council, is hereby authorized and directed to execute and deliver an

Escrow Deposit Agreement with such bank or financial institution as is selected by the Financial Administrative Services Director to act as the escrow trustee (the "Escrow Trustee"), which Escrow Deposit Agreement shall contain such terms as may be agreed upon by the Council and the Escrow Trustee and as shall be approved by bond counsel.

SECTION 14. Dinsmore & Shohl LLP, the purchaser and the Escrow Trustee are each hereby authorized to subscribe for and/or purchase United States Treasury obligations or other suitable and permitted securities on behalf of the City to fund any required escrows.

SECTION 15. That this City Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 16. That the firm of Dinsmore & Shohl LLP ("Dinsmore") is hereby engaged as the City's "bond counsel" and that the City Manager and Financial Administrative Services Director are hereby authorized and directed to execute and deliver the engagement letter of Dinsmore in the form on file with the Clerk of Council.

SECTION 17. That it is found and determined that all formal actions of this council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SECTION 18. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of Council

**TO THE CLERK:**

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 17-15 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$580,000 STREET IMPROVEMENT SPECIAL ASSESSMENT LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS (KONTAGIONNIS HILLS), BY THE CITY OF BEAVERCREEK, OHIO."

was passed on \_\_\_\_\_, 2017. Said Ordinance shall become effective as provided by law.

---

Stephen M. McHugh  
City Attorney

**CERTIFICATE OF PUBLICATION**

I \_\_\_\_\_, clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in \_\_\_\_\_  
\_\_\_\_\_ on the following date(s) to wit:

Dated the \_\_\_\_ day of \_\_\_\_\_, 2017.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the Greene County Auditor.

\_\_\_\_\_  
Financial Administrative Services Director

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

\_\_\_\_\_  
Greene County Auditor

Dated: \_\_\_\_\_

Agenda Item VII. G.  
Ordinance 17-16  
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance and sale of not to exceed \$3,995,000 Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2017:

Mayor	<u>Bob Stone</u>
City Manager	<u>Pete Landrum</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Stephen McHugh</u>

\_\_\_\_\_  
City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said municipality, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above-identified bonds.

\_\_\_\_\_  
Clerk of Council

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 17-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,995,000 OF BONDS BY THE CITY OF BEAVERCREEK, OHIO, FOR THE PURPOSE OF REFINANCING OUTSTANDING BONDS AND NOTES ORIGINALLY ISSUED FOR VARIOUS PURPOSES, AUTHORIZING AN OFFICIAL STATEMENT AND AN ESCROW DEPOSIT AGREEMENT.

WHEREAS, the Fiscal Officer of the City has heretofore estimated that the life of the hereinafter described improvement is at least five (5) years, and certified that the maximum maturity of the bonds is thirty (30) years;

WHEREAS, this City Council has previously adopted four separate ordinances which authorized the issuance of bonds for the purposes of (i) permanently financing bond anticipation notes originally issued for the purposes of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, paying additional project costs, including land acquisition costs; (ii) refunding bonds originally issued for the purpose of retiring outstanding bond anticipation notes originally issued for the purpose of paying the costs of constructing and installing improvements to New Germany Trebein Road and Lillian Lane, funding capitalized interest; (iii) refunding bonds originally issued for the purpose of retiring two outstanding issues of bond anticipation notes originally issued for the purposes of paying the costs of (a) constructing and installing street improvements and improvements to other necessary appurtenances of Shakertown Road and North Fairfield Road in the City for the Ballymeade Project and (b) constructing and installing street improvements and improvements to other necessary appurtenances of Mission Point Boulevard in the City for the Mission Point Project; (iv) refunding bonds originally issued for the purpose of paying a final judgment, evidenced by a settlement approved by the Greene County Court of Common Pleas, Civil Division in the matter of City of Beavercreek (Plaintiff) v. Vintage Golf Properties, Inc. (Defendant); and (v) paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion;

WHEREAS, this Council now desires to combine the separate bond issues into a single bond issue to achieve certain cost savings;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL (hereinafter the "Council"), the City of Beavercreek (hereinafter called the "City"), County of Greene, Ohio:

SECTION 1. That this Council hereby declares it necessary to issue bonds of the City in the principal sum of not to exceed \$3,995,000 for the purposes of (i) permanently financing bond anticipation notes originally issued for the purposes of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in



the City, paying additional project costs, including land acquisition costs; (ii) refunding bonds originally issued for the purpose of retiring outstanding bond anticipation notes originally issued for the purpose of paying the costs of constructing and installing improvements to New Germany Trebein Road and Lillian Lane, funding capitalized interest; (iii) refunding bonds originally issued for the purpose of retiring two outstanding issues of bond anticipation notes originally issued for the purposes of paying the costs of (a) constructing and installing street improvements and improvements to other necessary appurtenances of Shakertown Road and North Fairfield Road in the City for the Ballymeade Project and (b) constructing and installing street improvements and improvements to other necessary appurtenances of Mission Point Boulevard in the City for the Mission Point Project; (iv) refunding bonds originally issued for the purpose of paying a final judgment, evidenced by a settlement approved by the Greene County Court of Common Pleas, Civil Division in the matter of City of Beavercreek (Plaintiff) v. Vintage Golf Properties, Inc. (Defendant); and (v) paying certain costs related to the issuance of the bonds, together with other permissible costs under the Uniform Public Securities Law, including the cost of printing the bonds, expense of delivery of the bonds, service charges of the paying agent and registrar, legal services and obtaining an approving legal opinion.

SECTION 2. That bonds of the City shall be issued in the principal sum of not to exceed \$3,995,000, for the purposes aforesaid. Said Bonds shall be of the denomination of \$5,000 or any integral multiple thereof, shall be numbered from 1 (or R-1) upward, shall be dated as is specified in the bond purchase agreement between the City and the Underwriter named herein (the "Bond Purchase Agreement"), and/or the certificate of award setting forth the final terms of the Bonds (the "Certificate of Award") and shall bear interest at such rates per annum and at a net interest cost as set forth in the Certificate of Award (but such net interest cost shall not be in excess of five and one half per centum (5.50%) per annum), payable semiannually on June 1 and December 1 of each year commencing December 1, 2017, or such other dates as are determined by the Financial Administrative Services Director, until the principal sum is paid, as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of the Council. Said Bonds shall mature or be subject to mandatory sinking fund redemption, as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code.

The Bonds shall be subject to optional redemption by the City prior to maturity as set forth in the Certificate of Award, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action of this Council.

SECTION 3. That said bonds shall be designated "Various Purpose Limited Tax General Obligation Refunding Bonds, Series 2017" and shall express upon their faces the purpose for which they are issued and that they are issued in pursuance of Chapter 133 of the Ohio Revised Code and this ordinance. The Bonds shall be executed by the City Manager and the Financial Administrative Services Director. The Bonds may but shall not be required to bear the seal of the City, or a facsimile thereof. The Financial Administrative Services Director or such bank or trust company as is selected by the Financial Administrative Services Director shall act, as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds as set forth in the Certificate of Award. The principal amount of each bond shall be payable at the office of the Paying Agent and Registrar, and interest thereon shall be paid on each interest payment date to the person whose name appears on the record date (which shall be 15 days prior

to each interest payment date) on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

The bonds shall be transferable by the registered holder thereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon presentation and surrender thereof to the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any bond during the 15-day period preceding any interest payment date, and no such transfer shall be effective until entered upon the registration records maintained by the Paying Agent and Registrar. Upon such transfer, a new bond or bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

The City and the Paying Agent and Registrar may deem and treat the registered holder of the bonds as the absolute owner thereof for all purposes, and neither the City nor the Paying Agent and Registrar shall be affected by any notice to the contrary.

SECTION 4. The proceeds from the sale of such consolidated issue shall be apportioned, deposited and credited in accordance with Section 133.32 of the Revised Code to the respective purposes and funds in accordance with the amount of Bonds authorized by this ordinance and the amount of Bonds authorized by the ordinances providing for the issuance of not to exceed \$580,000 Street Improvement Special Assessment Refunding Bonds (Kontagionnis Hills); not to exceed \$800,000 Street Improvement Special Assessment Limited Tax General Obligation Refunding Bonds; not to exceed \$715,000 Limited Tax General Obligation Judgment Refunding Bonds; and not to exceed \$1,900,000 Building Improvement Limited Tax General Obligation Bonds.

SECTION 5. That the Bonds shall be sold at public or private sale at a price of not less than ninety-seven percent of the par value of the Bonds. The proceeds from the sale of said Bonds, except the premium and accrued interest, if any, shall be used for the purpose aforesaid and for no other purpose; and any premium and accrued interest received from the sale shall be transferred to the Bond Retirement Fund to be applied to the payment of the cost of issuance of the Bonds and the principal and interest on the Bonds in the manner provided by law.

The City Manager or the Financial Administrative Services Director are hereby authorized to conduct such sale of the Bonds and to execute and deliver, without further action of the Council, the Certificate of Award and a Bond Purchase Agreement, if requested by the purchaser, setting forth the final terms of the Bonds. The signature of said officer on the Bond Purchase Agreement shall be conclusive evidence that the terms of the Bonds are acceptable to the City.

SECTION 6. That the bonds shall be the full general obligations of the City and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. That during the period the bonds are to run, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, but within applicable limitations, a direct tax annually in an amount sufficient to pay the principal of and interest on the bonds when and as the same fall due. Said tax shall be and is hereby ordered computed, certified, levied and extended

upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund, which together with all interest collected on the same, shall be irrevocably pledged for the payment of the interest and principal of said bonds when and as the same fall due; provided, however, to the extent that other revenues are certified, collected and appropriated for payment of debt service, said tax need not be levied.

SECTION 7. The City Manager and Financial Administrative Services Director, or either of them, is hereby authorized to take any and all actions which may be necessary to issue the Bonds in book-entry-only form or in such form as will render the Bonds eligible for the services of the Depository Trust Company, New York, New York without further action by this Council, including execution of all documents necessary therefor.

All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 8. The City Manager and Financial Administrative Services Director, or either of them, is hereby authorized to prepare and cause to be circulated a preliminary official statement with respect to the bonds in form and content satisfactory to them, and to prepare, execute and deliver to the original purchaser of the bonds a reasonable number of copies of an official statement which shall be deemed to be final for purposes of SEC Rule 15c2-12. The execution of the final official statement by either or both of such officers shall be conclusive evidence of its authorization and approval.

SECTION 9. That this City Council hereby covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Bonds (the "Continuing Disclosure Certificate") in connection with the issuance of the Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Bonds; however, any holder of the Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause this Council to comply with its obligations under this section and the Continuing Disclosure Certificate.

SECTION 10. That the Financial Administrative Services Director and City Manager, or either of them, is hereby authorized to apply, if he deems it appropriate, for a rating on the Bonds from either Standard & Poor's Corporation or Moody's investors Service, and/or to purchase bond insurance, and to pay the fee or premium for said rating and/or insurance to the extent authorized by law and approved by bond counsel.

SECTION 11. That this Council, for and on behalf of the City, hereby covenants that it will restrict the use of the proceeds, if any, of the bonds hereby authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account

reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of the bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds are hereby designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

SECTION 12. In connection with the issuance of the Bonds and to serve the rights of the holders of the bonds that are refunded hereby, the Financial Administrative Services Director, on behalf of the City Council, is hereby authorized and directed to execute and deliver an Escrow Deposit Agreement with U.S. Bank National Association, as the Escrow Trustee, which Escrow Deposit Agreement shall contain such terms as may be agreed upon by the District and the Escrow Trustee and as shall be approved by Bond Counsel.

SECTION 13. Dinsmore & Shohl LLP, the purchaser and the Escrow Trustee are each hereby authorized to subscribe for and/or purchaser United States Treasury obligations or other suitable and permitted securities on behalf of the City to fund any required escrows.

SECTION 14. That the Financial Administrative Services Director is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 15. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

SECTION 16. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

**TO THE CLERK:**

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 17-16 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$3,995,000 VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017, BY THE CITY OF BEAVERCREEK, OHIO."

was passed on \_\_\_\_\_, 2017. Said Ordinance shall become effective as provided by law.

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Stephen McHugh  
City Attorney

**CERTIFICATE OF PUBLICATION**

I \_\_\_\_\_, clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in \_\_\_\_\_  
\_\_\_\_\_ on the following date(s) to wit:

Dated the \_\_\_\_ day of \_\_\_\_\_, 2017.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing ordinance was certified this day to the Greene County Auditor.

\_\_\_\_\_  
Clerk of Council

Dated: \_\_\_\_\_, 2017

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing ordinance.

\_\_\_\_\_  
Greene County Auditor

Dated: \_\_\_\_\_, 2017

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS

Based upon information provided by and in response to the request of the City Council of the City of Beavercreek, Ohio, the Financial Administrative Services Director of the City of Beavercreek, being the Fiscal Officer of the City of Beavercreek within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies to the City Council that the estimated life of the project to be funded with the proceeds of the sale of not to exceed \$3,995,000 of bonds, for the purposes of (i) permanently financing bond anticipation notes originally issued for the purposes of paying part of the cost of constructing improvements to a building in the City for use by the City Parks and Recreation department in the City, paying additional project costs, including land acquisition costs; (ii) refunding bonds originally issued for the purpose of retiring outstanding bond anticipation notes originally issued for the purpose of paying the costs of constructing and installing improvements to New Germany Trebein Road and Lillian Lane, funding capitalized interest; (iii) refunding bonds originally issued for the purpose of retiring two outstanding issues of bond anticipation notes originally issued for the purposes of paying the costs of (a) constructing and installing street improvements and improvements to other necessary appurtenances of Shakertown Road and North Fairfield Road in the City for the Ballymeade Project and (b) constructing and installing street improvements and improvements to other necessary appurtenances of Mission Point Boulevard in the City for the Mission Point Project; (iv) refunding bonds originally issued for the purpose of paying a final judgment, evidenced by a settlement approved by the Greene County Court of Common Pleas, Civil Division in the matter of City of Beavercreek (Plaintiff) v. Vintage Golf Properties, Inc. (Defendant); and (v) paying certain costs related to the issuance of the bonds, is at least five (5) years and that the maximum maturity of said bonds is thirty (30) years.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Financial Administrative Services Director

Agenda Item VII. H.  
Ordinance 17-17  
Second Reading

CERTIFICATE OF MEMBERSHIP

The undersigned, City Manager of the City of Beavercreek, Ohio, hereby certifies that the following were the officers and members of City Council during the period proceedings were taken authorizing the issuance of not to exceed \$350,000 Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beavercreek Project), Second (2017) Renewal, dated their date of issuance:

Mayor	<u>Bob Stone</u>
City Manager	<u>Pete Landrum</u>
Financial Administrative Services Director	<u>Bill Kucera</u>
Clerk of Council	<u>Dianne Lampton</u>
Vice Mayor	<u>Julie Vann</u>
Member of Council	<u>Melissa Litteral</u>
Member of Council	<u>Brian Jarvis</u>
Member of Council	<u>Debborah Wallace</u>
Member of Council	<u>Zach Upton</u>
Member of Council	<u>Chad Whilding</u>
Municipal Attorney	<u>Stephen McHugh</u>

\_\_\_\_\_  
City Manager

TRANSCRIPT CERTIFICATE

The undersigned, Clerk of Council of said City, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified notes.



CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 17-17

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$350,000 ROAD IMPROVEMENT SPECIAL ASSESSMENT BOND ANTICIPATION NOTES (TRADITIONS AT BEAVERCREEK PROJECT), SECOND (2017) RENEWAL BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS.

WHEREAS, the Fiscal Officer (hereinafter called the "Financial Administrative Services Director") of the City of Beavercreek (hereinafter called the "City") has heretofore estimated that the life of the hereinafter described improvements is at least five (5) years, and certified that the maximum maturity of the bonds is twenty (20) years, and of the notes to be issued in anticipation thereof is five (5) years, by virtue of special assessments;

WHEREAS, this City Council has previously authorized and issued notes in the amount of \$350,000 to finance road improvements, which notes are about to mature and should be refinanced in a like amount;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beavercreek (hereinafter called the "Council"), County of Greene, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the City of Beavercreek, County of Greene, Ohio, in the principal amount of not to exceed \$350,000, bearing interest estimated at five per centum (5%) per annum and maturing over a period of twenty (20) years, for the purpose of refinancing notes originally issued to pay part of the cost of constructing Road Improvements and improvements to other necessary appurtenances to Shakertown Road in the City, and related costs.

SECTION 2. That it is hereby determined that notes (hereinafter called the "Notes") in the principal amount of not to exceed \$350,000 shall be issued in anticipation of the issuance of said bonds.

SECTION 3. That the Notes shall be dated their date of issuance, shall bear interest at the rate determined by the Financial Administrative Services Director and set forth in the Certificate of Award, setting forth the terms of the Notes (the "Certificate of Award"), which is hereby authorized to be executed by the Financial Administrative Services Director without further action by this Council, shall be payable at maturity, shall mature not more than a year from their dated date, and shall be of such number and denomination as may be requested by the purchaser.

SECTION 4. That the Notes shall be executed by the City Manager and the Mayor and may but shall not be required to bear the seal of the corporation provided that either (but not both) of such officers' signatures and the seal may be facsimiles. The Notes shall be designated "Road Improvement Special Assessment Bond Anticipation Notes (Traditions at Beavercreek

Project), Second (2017) Renewal", and shall be payable at the office of the City's Financial Administrative Services Director or such bank or trust company designated by the Financial Administrative Services Director and acceptable to the purchaser, and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Ordinance.

SECTION 5. That the Notes shall be sold at public or private sale by the Financial Administrative Services Director at not less than ninety-seven percent of the par value of such Notes together with interest thereon, if any. The proceeds from such sale, except accrued interest thereon, shall be paid into the proper funds and used for the purpose aforesaid and for no other purpose. Accrued interest, if any, received on sale of said Notes shall be transferred to the bond retirement fund to be applied to the payment of principal of and interest on said Notes in the manner provided by law.

SECTION 6. That the Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value received from the sale of bonds anticipated by the Notes, and any excess funds resulting from the issue of the Notes, shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with interest thereon and is hereby pledged for such purpose.

SECTION 7. That during the period while the Notes run there shall be levied upon all of the taxable property in the City, within applicable limitations, in addition to all other taxes, a direct tax annually, not less than that which would have been levied if bonds had been issued without the prior issue of the Notes; said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund and, together with interest collected on the same, shall be irrevocably pledged for the payment of the principal and interest of the Notes, or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that to the extent that other lawfully available revenues, including assessments from benefitted properties, are appropriated for such purpose, such tax need not be levied.

SECTION 8. That the Notes are hereby designated as "qualified tax-exempt obligations" to the extent permitted by Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). This council finds and determines that the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during this calendar year does not and the council hereby covenants that, during such year, the amount of tax-exempt obligations issued by the City and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$10,000,000. The Financial Administrative Services Director and other appropriate officers, and any of them, are authorized to take such actions and give such certifications on behalf of the City with respect to the reasonably

anticipated amount of tax-exempt obligations to be issued by the City during the calendar year of original issuance and with respect to such other matters as appropriate under Section 265(b)(3).

This Council, for the City, hereby covenants that it will restrict the use of the proceeds of the Notes hereby authorized in such manner and to such extent, if any, and take such other action as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code and the regulations prescribed thereunder. The Financial Administrative Services Director or any other officer having responsibility with respect to the issuance of said Notes is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of said Notes for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

SECTION 9. Any official having charge with respect to the issuance of the Notes is hereby further authorized to take such actions as may be reasonably requested by the purchaser of the Notes in order to make the Notes eligible for the services of The Depository Trust Company, New York, New York.

SECTION 10. All appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such financing statements, closing certificates and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 11. That the firm of Dinsmore & Shohl LLP, is hereby engaged as the City's "bond counsel" and that the Financial Administrative Services Director is hereby authorized and directed to execute and deliver the engagement letter in the form on file with the City.

SECTION 12. That the Clerk of Council is hereby directed to forward a certified copy of this ordinance to the County Auditor.

SECTION 13. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 14. That this ordinance shall take effect at the earliest date allowed by law.

ADOPTED: \_\_\_\_\_, 2017.

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Mayor

Attest:

---

Clerk of Council

**TO THE CLERK:**

Publish the foregoing Ordinance in the summary form set forth below.

Ordinance No. 17-17 of the Council of the City of Beavercreek, entitled, "AN ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$350,000 ROAD IMPROVEMENT SPECIAL ASSESSMENT BOND ANTICIPATION NOTES (TRADITIONS AT BEAVERCREEK PROJECT), SECOND (2017) RENEWAL, BY THE CITY OF BEAVERCREEK, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS."

was passed on \_\_\_\_\_, 2017. Said Ordinance shall become effective as provided by law.

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Stephen McHugh  
City Attorney

**CERTIFICATE OF PUBLICATION**

I \_\_\_\_\_, Clerk of the Council of the City of Beavercreek, do hereby certify that the foregoing summary of the foregoing Ordinance was published in \_\_\_\_\_

\_\_\_\_\_ on the following date(s) to wit:

Dated the \_\_\_\_ day of \_\_\_\_\_, 2017.

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. 17-17.

\_\_\_\_\_  
Clerk of Council

CERTIFICATE

The undersigned hereby certifies that a copy of the foregoing Ordinance was certified this day to the County Auditor.

\_\_\_\_\_  
City Manager

Date: \_\_\_\_\_, 2017

RECEIPT

The undersigned hereby acknowledges receipt of a certified copy of the foregoing Ordinance.

\_\_\_\_\_  
County Auditor

Date: \_\_\_\_\_, 2017

**CERTIFICATE AS TO MAXIMUM MATURITY OF  
BONDS AND BOND ANTICIPATION NOTES**

Based upon information provided by and in reason to the request of the City Council of the City of Beavercreek, Ohio, the Financial Administrative Services Director of the City of Beavercreek, Ohio, being the Fiscal Officer of the City of Beavercreek, Ohio, within the meaning of Section 133.01 of the Uniform Public Securities Law of the Ohio Revised Code, hereby certifies that the estimated life of the improvements to be acquired with the proceeds of the sale of not to exceed \$350,000 of bonds, for the purpose of constructing Road Improvements and improvements to other necessary appurtenances to Traditions at Beavercreek Boulevard, is at least five (5) years and that the maximum maturity of said bonds, calculated in accordance with Section 133.20 of the Uniform Public Securities Law of the Ohio Revised Code, is twenty (20) years and notes issued in anticipation thereof is five (5) years, by virtue of special assessments.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Financial Administrative Services  
Director

Agenda Item VII. I.  
Second Reading

## **ORDINANCE NO. 17-18**

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER WALLACE ON THE 10<sup>TH</sup> DAY OF JULY, 2017.

AN ORDINANCE AMENDING THE ZONING MAP, BY REZONING APPROXIMATELY 1.733 ACRES OF LAND LOCATED AT 4090 INDIAN RIPPLE ROAD, FURTHER DESCRIBED AS BOOK 3, PAGE 10, PARCEL 223 FROM R-1A ONE FAMILY RESIDENTIAL DISTRICT TO RO-1 RESIDENTIAL OFFICE DISTRICT (Z-17-1).

Whereas, Dr. Ronald Roddy (Agent for the Owner), 109 Castle Pine Court, Xenia, Ohio 45385, has requested the rezoning; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the rezoning amendment; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

### SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code is hereby further amended to change approximately 1.733 acres of land, located at 4090 Indian Ripple Road, known as B42000300100022300 and as further described in the attached "Exhibit A" be rezoned to RO-1 Residential Office District.

### SECTION II

This Ordinance shall take effect from and after the earliest period allowed by law.



### SECTION III

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Lampton, Clerk of Council

### SUMMARY

This Ordinance adopts a recommendation to rezone approximately 1.733 acres of land located at 4090 Indian Ripple Road from R-1A One Family Residential District to RO-1 Residential Office District.

This is not an emergency ordinance and will become effective 30 days after passage.

PEL

**CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b> <u>July 24, 2017</u>	<b>Reference Topic:</b> <u>Resolutions 17-19</u> Resolution for Placement of a 1.0 Mill Renewal Street Levy on November 7, 2017 Ballot
<b>Agenda Reference No.:</b> VII-J	

<b>ACTION REQUESTED</b>		
<input type="checkbox"/> Adopt Ordinances	<input checked="" type="checkbox"/> Adopt Resolutions	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

<b>RESPONSIBLE DEPARTMENT OR AGENCY</b>		
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> City Council	<input checked="" type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager
<input checked="" type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

On July 10, 2017 City Council adopted a resolution requesting the County Auditor certify revenue for a renewal of the 1.0 mill Street levy. The County Auditor has provided the City with the revenue that would be generated from this proposed levy and is indicated below:

<u><b>Resolution #</b></u>	<u><b>Street Levy (Current 1.0 mill)</b></u>	<u><b>Total Millage</b></u>	<u><b>Revenue Generated From Millage</b></u>
17-17	Renewal	1.0	\$1,319,000

This levy represents 22.5% of the revenue necessary to operate the Street Department. This resolution would place a 1.0 mill renewal of the street levy to run for a continuous period of time on the November 7, 2017 ballot. **The renewal will not increase resident's taxes.** The cost of this levy will continue to be \$30.63 per \$100,000 valuation of property. This renewal levy will preserve the \$4.37 per \$100,000 (12.5%) valuation property tax rollback issued by the State of Ohio for the benefit of Beavercreek residents and provide stability in revenue collection to Public Service Division. Collection for the 1.0 mill street levy will end in 2018. If the renewal of this levy is approved by the voters, the levy collection will begin in 2019.

The 1 mill street levy was first authorized by residents in 1984 and has been renewed or replaced every time it has been placed on the ballot. If approved, funding for the 1.0 mill street levy will in part allow the public service division to maintain the approximately 252 centerline miles of, with accompanying street lighting, signs, traffic signals, pavement markings and storm sewer systems. In addition, this levy would provide residents and traveling public alike services such as, street sweeping, pavement repairs, mowing, landscaping, ditching, tree trimming and is essential in maintaining the infrastructure of the City of Beavercreek. This levy maintains the snow and ice treatment program that residents have come to expect which is one of the most efficient and effective programs in the region. In addition, this levy would allow the City to meet industry standards for critical equipment replacement program to

continue this service with minimum downtime. The resurfacing program and the five year capital plan will also be maintained at the current levels. The City has been very successful in securing State and Federal funding and this levy will allow us to continue to stretch local dollars by securing those funds.

Council, by a two-thirds vote, will need to adopt this resolution declaring it necessary to levy a renewal tax in excess of the ten-mill limitation for the purpose of constructing, reconstructing, resurfacing and repairing such streets and highways, which levy shall be 1.0 mill to run for continuing period of time. If the resolution is approved by Council, the 1.0 mill renewal of the street levy for a continuous period of time would be filed with the Board of Elections to appear on the November 7, 2017 ballot.

**CITY OF BEAVERCREEK, OHIO  
RESOLUTION NO. 17-20**

**SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE 24<sup>TH</sup> DAY OF  
JULY, 2017.**

**RESOLUTION DECLARING IT NECESSARY TO LEVY A RENEWAL  
TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR, AS STATED  
IN SECTION 5705.19 AND SUBSECTION 5705.19(G) AS AMENDED, OF  
THE OHIO REVISED CODE, THE PURPOSE OF CONSTRUCTING,  
RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS,  
ROADS AND BRIDGES, WHICH LEVY SHALL BE ONE (1) MILL  
WHICH IS A RENEWAL OF AN EXISTING LEVY OF ONE (1) MILL TO  
RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THE  
QUESTION OF THE TAX LEVY SHALL BE SUBMITTED TO THE  
ELECTORS AT THE GENERAL ELECTION TO BE HELD NOVEMBER  
7, 2017.**

**WHEREAS, this Council has heretofore determined the necessity of levying a renewal  
tax in excess of the ten-mill limitation for the benefit of this City pursuant to the provisions of  
sections 5705.19 and 5705.191 of the Ohio Revised Code for the purposes of constructing,  
reconstructing, resurfacing, and repairing streets, roads and bridges;**

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF  
BEAVERCREEK, GREENE COUNTY, OHIO, TWO-THIRDS OF ALL MEMBERS  
THERETO CONCURRING THAT:**

**SECTION I.** Council has received certification issued by the County Auditor for  
Greene County, Ohio, pursuant to section 5705.03, as amended, of the  
Ohio Revised Code.

**SECTION II.** The amount of taxes which may be raised within the ten-mill limitation  
will be insufficient to provide an adequate amount for the necessary  
requirements of the City of Beavercreek.

**SECTION III.** It is necessary to levy a tax in excess of said ten-mill limitation for, as  
stated in section 5705.19(G), as amended, of the Ohio Revised Code, the  
purposes of constructing, reconstructing, resurfacing, and repairing streets,  
roads and bridges, at a rate not exceeding One Mill (.001) for each One  
Dollar (\$1.00) of valuation which amounts to Ten Cents (\$0.10) for each  
One Hundred Dollars (\$100.00) of valuation, said proposed rate is a  
renewal of the existing levy of one mill for a continuing period of time.

**SECTION IV.**

Said levy shall be submitted to the electors of this City at the general election to be held on Tuesday, November 7, 2017, and at the regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections.

**SECTION V.**

The form of the ballot to be used at said election shall be substantially as follows:

**PROPOSED RENEWAL TAX LEVY**

**CITY OF BEAVERCREEK, OHIO**

A majority affirmative vote is necessary for passage

A renewal of a tax for the benefit of the City of Beavercreek, Ohio for, as stated in section 5705.19(G), as amended, of the Ohio Revised Code, the purposes of constructing, reconstructing, resurfacing, and repairing streets, roads and bridges, at a rate not exceeding One Mill (.001) for each One Dollar (\$1.00) of valuation, which amounts to Ten Cents (\$0.10) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of One Mill, for a continuing period of time, beginning in the year 2018, and first due in calendar year 2019.

	FOR THE TAX
	AGAINST THE TAX

**SECTION VI.**

Said levy shall be placed upon the tax list and duplicate of the then current year of 2018 (the proceeds of which levy first would be available for collection in the calendar year of 2019), if a majority of the qualified electors of this City voting thereon vote in favor thereof.

**SECTION VII.**

The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) p.m. on the ninetieth (90<sup>th</sup>) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

**SECTION VIII.**

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

**SECTION IX.**

Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the Resolution is necessary other than that provided for in the notice of election.

PASSED this 24<sup>th</sup> day of July, 2017.

\_\_\_\_\_  
Bob Stone, Mayor

ATTEST:

\_\_\_\_\_  
Dianne Lampton, Clerk of Council

PREPARED BY: CITY ATTORNEY

**SUMMARY**

**THIS RESOLUTION DECLARES IT NECESSARY TO LEVY A RENEWAL OF AN EXISTING LEVY IN EXCESS OF THE TEN-MILL LIMITATION FOR, AS STATED IN SECTION 5705.19 AND SUBSECTION 5705.19(G), AS AMENDED, OF THE OHIO REVISED CODE, THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS AND BRIDGES, WHICH LEVY SHALL BE ONE MILL WHICH IS A RENEWAL OF AN EXISTING LEVY OF ONE MILL TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARES THAT THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE GENERAL ELECTION TO BE HELD NOVEMBER 7, 2017.**

## Certificate of Estimated Property Tax Revenue

(Use this form when a taxing authority certifies a millage rate  
and requests the revenue produced by that rate)

The County Auditor of Greene County, Ohio, does hereby certify the following:

On July 12, 2017, the taxing authority of the Beavercreek City certified a copy of its resolution or ordinance adopted July 10, 2017 resolution number 17-17 requesting the auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by one and zero hundredths (1.00) mills to levy a tax outside the ten-mill limitation for Streets, Roads & Bridges purposes pursuant to Revised Code §5705.19, to be placed on the ballot at the November 7, 2017, election. The levy type is Renewal for a continuing period commencing tax year 2018 collect 2019.

1. The estimated annual property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$1,319,000.
2. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$1,384,472,380.

  
\_\_\_\_\_  
Auditor's Signature

7/12/17  
\_\_\_\_\_  
Date

### INSTRUCTIONS

1. "Total tax valuation" includes the taxable value of all real property in the subdivision as indicated on the tax list most recently certified for collection and estimates of the taxable value of personal and public utility personal property for the first year the levy will be collected as set forth on the worksheets prescribed in conjunction with this form. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
2. For purposes of the certificated, "subdivision" includes any agency, board, commission, or other authority authorized to request a taxing authority to submit a tax levy on its behalf.
3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase, and (7) replacement with a decrease levies.
4. Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 75 days before the election.

**CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT**

*per*

<b>Meeting Date:</b> <u>July 24, 2017</u>	<b>Reference Topic:</b> Cooperation Agreement with Beaver Creek Township
<b>Agenda Reference No.:</b> <u>VII.K.</u>	<u>Resolution 17-20</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

**BACKGROUND AND STAFF SUMMARY:**

During the preliminary design phase for the Shakertown Road Extension Project, a traffic analysis was performed that identified the need for a southbound right turn lane along Factory Road at the planned intersection with the extended Shakertown Road. This additional right turn lane would be within Beaver Creek Township. Upon discussing with Beaver Creek Township, they were agreeable to partnering with the City to include this additional turn lane in the larger improvement. The proposed agreement would provide for the submittal of a joint application to the Ohio Public Works Commission to secure additional funding for the larger improvement, and would include a Township reimbursement to the City for the non-grant expenses associated with the design and construction of this turn lane.

**STAFF RECOMMENDATION:**

This proposed partnership agreement will make for a more competitive grant application to the Ohio Public Works Commission, and would provide a maximum reimbursement of \$45,000 from the Township to the City.

It is therefore recommended that City Council approve the attached resolution authorizing the City Manager to execute the attached agreement.



**CITY OF BEAVERCREEK  
RESOLUTION NO. 17-20**

SPONSORED BY COUNCIL MEMBER \_\_\_\_\_ ON THE 24<sup>TH</sup> DAY OF JULY, 2017.

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER  
INTO AN AGREEMENT WITH BEAVERCREEK TOWNSHIP FOR THE  
PROJECT KNOWN AS THE SHAKERTOWN ROAD EXTENSION  
PROJECT, PID NO. 100929.**

WHEREAS, the City of Beavercreek and the Beavercreek Township desire to enter into an agreement which will delineate responsibility for the funding and the administration of the Shakertown Road Extension Project.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

**SECTION I.**

On behalf of the City of Beavercreek, the City Manager is hereby authorized to enter, with Beavercreek Township, an agreement for the funding and the administration of the Shakertown Road Extension Project as approved by Beavercreek City Council on July 24, 2017 and attached as Exhibit 'A'.

**SECTION II.**

On behalf of the City of Beavercreek, the City Manager is hereby authorized to execute any amendments to the agreement between the City of Beavercreek and Beavercreek Township that may become necessary during the administration of this improvement.

**SECTION III.**

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

**SECTION IV.**

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek,  
Ohio this 24<sup>th</sup> day of July, 2017.

---

Bob Stone, Mayor

ATTEST:

---

Dianne Lampton, Clerk of Council

## EXHIBIT A

### COOPERATIVE AGREEMENT BETWEEN BEAVERCREEK TOWNSHIP AND THE CITY OF BEAVERCREEK

**WHEREAS**, Beaver Creek Township (the "Township") and the City of Beaver Creek (the "City"), collectively referred to herein as the "parties", agree that citizens of the Township and City would benefit from certain improvements to public property situated within the Township and the City; and

**WHEREAS**, the Township and City agree that they are entering into this Cooperative Agreement (the "Agreement") to submit an application to the Ohio Public Works Commission to request financial assistance towards the construction of the extension of Shakertown Road from its current terminus at US 35 to Factory Road, and the realignment of Alpha-Bellbrook Road to the west of its current location; and

**WHEREAS**, said improvements generally consist of the extension of Shakertown Road to Factory Road, the realignment of Alpha-Bellbrook Road, the installation of two (2) new traffic signals, and the construction of a southbound right-turn lane along Factory Road at the new Shakertown Road intersection ("the Project"); and

**WHEREAS**, Federal funds in the amount of \$1,722,700 have already been committed towards the construction of said Project; and

**WHEREAS**, the estimated total cost of said Project is \$3,000,000, with \$2,850,000 of this cost estimated to be within the City, and \$150,000 of this estimated cost within the Township; and

**NOW THEREFORE**, the parties herein agree to the following:

**SECTION 1.** The funding application to the Ohio Public Works Commission shall request a grant for 20 percent of the total estimated project cost.

**SECTION 2.** Any grant funding received for said Project shall be applied at the same percentage to the work within the Township and the City, and each party shall pay the design costs for the portion of the work with their respective jurisdiction. In no case shall the Township reimbursements to the City exceed \$30,000 for construction expenses, and shall not exceed \$15,000 for design services on the Project.

**SECTION 3.** The City shall pay all valid invoices for construction and/or design services and the Township shall reimburse the City for costs deemed valid by the City for construction or design services within the Township, less any grant funds received, not to exceed the limits stated in Section 2 above.

**SECTION 4.** If said grant request is successful, then the City will be responsible for all activities necessary to properly advertise the Project for bids, awarding of the construction contract, and for the management of the construction activities.

**SECTION 5.** The City agrees to not invoice the Township for the reimbursement of expenses related to the design or construction of said Project until after January 1, 2019.

**SECTION 6.** The Township shall be given the opportunity to inspect and approve all improvements constructed within the Township as a part of this Project. This right of inspection and approval does not affect or negate the Township's responsibility to reimburse the City for costs deemed valid by the City for construction or design services within the Township, less any grant funds received, not to exceed the limits stated in Section 2 above.

**SECTION 7.** Should said grant request to the Ohio Public Works Commission be unsuccessful, then this Agreement shall be considered to be expired, and neither party shall have any further obligations under this Agreement.

**THEREFORE,** the acceptance of this Agreement is indicated by the signatures below:

**CITY OF BEAVERCREEK BY:**

By Resolution No.: \_\_\_\_\_

\_\_\_\_\_  
Pete Landrum  
City Manager

Date: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_

**BEAVERCREEK TOWNSHIP BY:**

By Resolution No.: \_\_\_\_\_

\_\_\_\_\_  
Alex Zaharieff  
Township Administrator

Date: \_\_\_\_\_

Approved as to form by:

\_\_\_\_\_



C:\Users\City\_of\_Beavercreek\Documents\Roadway\Sheets\100929\_GRE-CR71-3.52\Design\Roadway\Sheets\100929\_GRE-CR71-3.52\ShakertownRd\100929\_GRE-CR71-3.52\ShakertownRd.dgn 7/19/2017 11:55:30 AM keatingm Woolpert Inc

HORIZONTAL CONTROL WAS DERIVED FROM AN EXISTING SURVEY PROJECT DONE BY BARR AND PREVOST, TITLED GRE-35-4.26 (PID NO. 80468) DATED SEPTEMBER 19, 2007. ALL EXISTING BARR AND PREVOST CONTROL POINTS WERE VERIFIED WITH A MINIMUM OF FIVE INDEPENDENT OHIO VIRTUAL REFERENCE NETWORK (VRS) CHECK SHOTS. AVERAGE COORDINATES WERE OBTAINED ACCORDING TO CURRENT OHIO DEPARTMENT OF TRANSPORTATION (ODOT) SURVEYING AND MAPPING SPECIFICATIONS. THE AVERAGED COORDINATES WERE USED TO VERIFY THE EXISTING CONTROL. ALL HORIZONTAL CONTROL IS BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83 (1995), AND ORIGINALLY REFERENCED TO THE NAD83 (1995) POSITION OF NATIONAL GEODETIC SURVEY MONUMENTS GREENEPORT AND NORTH FAIRFIELD AZ MK. OLDER SURVEY DATUMS WERE INTENTIONALLY REUSED, AS STAGE ONE ENGINEERING PLANS HAD ALREADY BEEN COMPLETED OFF OF EXISTING CONTROL INFORMATION.

ALL DISPLAYED HORIZONTAL COORDINATES ARE GROUND (SCALED) POSITIONS. IN ORDER TO OBTAIN THESE POSITIONS, GRID COORDINATES WERE SCALED ABOUT 0.0 BY A FACTOR OF 1.000081647. THIS FACTOR WAS DETERMINED BY DENNIS BLEVINS OF ODOT DISTRICT 8, AND THE PROJECT ADJUSTMENT WAS ORIGINALLY PERFORMED UNDER THE DIRECT SUPERVISION OF FRANKLIN D. BLAIR, OHIO PROFESSIONAL LAND SURVEYOR #5676.

### DESIGN DESIGNATION

	SHAKERTOWN RD	N. ALPHA BELLBROOK RD
CURRENT ADT (2018)	3550	920
DESIGN YEAR ADT (2038)	4110	1100
DESIGN HOURLY VOLUME (2038)	450	120
DIRECTIONAL DISTRIBUTION	51%	51%
TRUCKS (24 HOUR B&C)	4%	8%
DESIGN SPEED	45 MPH	30 MPH
LEGAL SPEED	40 MPH	25 MPH
DESIGN FUNCTIONAL CLASSIFICATION:	URBAN COLLECTOR	URBAN LOCAL ROAD
NHS PROJECT	NO	NO

### DESIGN DESIGNATION

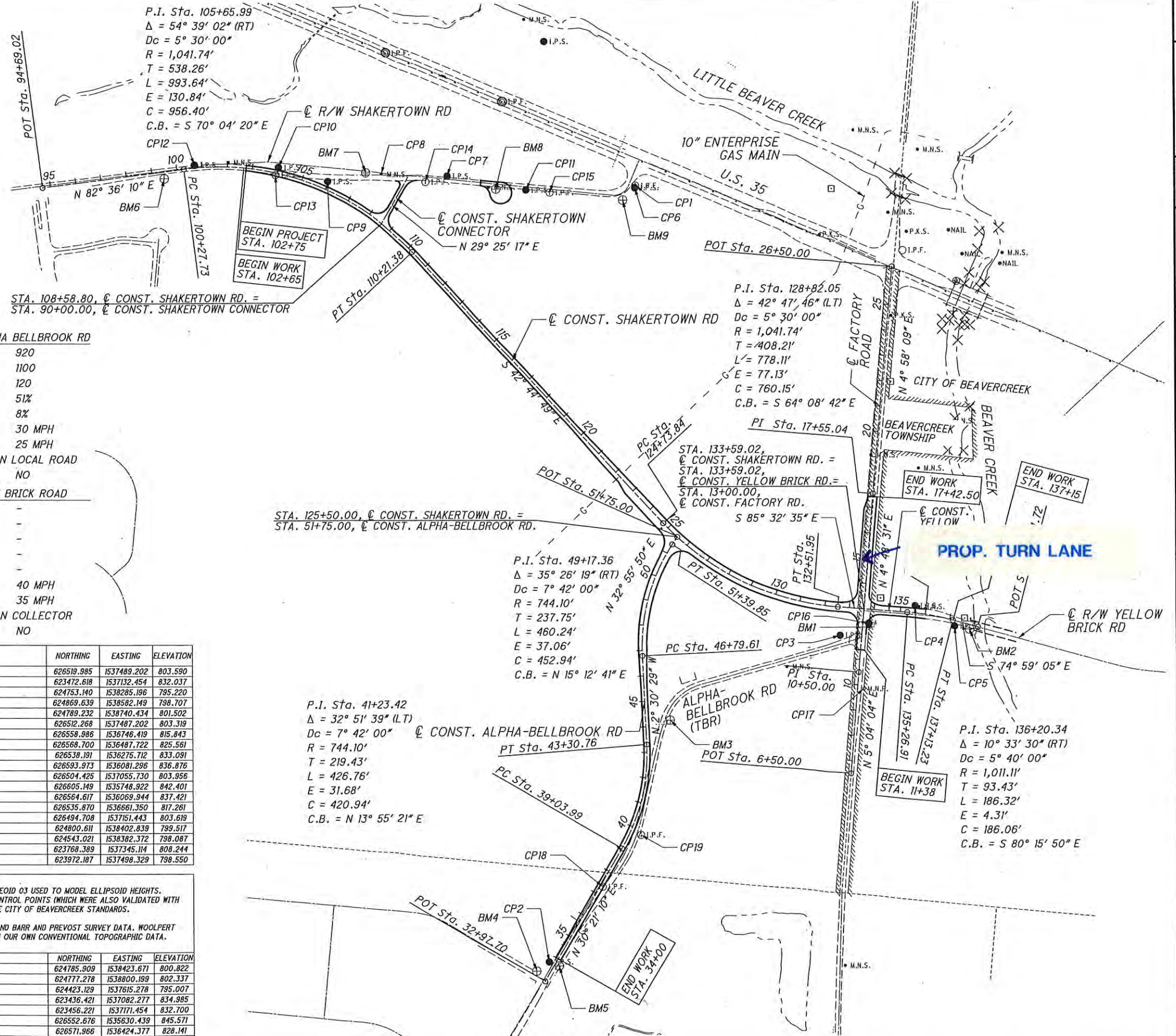
	FACTORY ROAD	YELLOW BRICK ROAD
CURRENT ADT (2018)	9,230	-
DESIGN YEAR ADT (2038)	12,590	-
DESIGN HOURLY VOLUME (2038)	1,260	-
DIRECTIONAL DISTRIBUTION	52%	-
TRUCKS (24 HOUR B&C)	2%	-
DESIGN SPEED	45 MPH	40 MPH
LEGAL SPEED	40 MPH	35 MPH
DESIGN FUNCTIONAL CLASSIFICATION:	URBAN COLLECTOR	URBAN COLLECTOR
NHS PROJECT	NO	NO

CONTROL POINT	DESCRIPTION	NORTHING	EASTING	ELEVATION
CP1	IRON PIN FOUND-ORIGINALLY CALLED "BPO1" SET BY BARR AND PREVOST	626519.985	1537489.202	803.590
CP2	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	623472.618	1537132.454	832.037
CP3	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	624753.140	1538285.196	795.220
CP4	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	624869.639	1538582.149	798.707
CP5	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	624789.232	1538740.434	801.502
CP6	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626512.268	1537487.202	803.319
CP7	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626558.986	1536746.419	815.843
CP8	PRIMARY CONTROL-MAG NAIL SET	626568.700	1536487.722	825.561
CP9	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626538.191	1536276.712	833.091
CP10	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626593.973	1536081.296	836.876
CP11	PRIMARY CONTROL-5/8" IRON PIN SET WITH CAP "WOOLPERT INC."	626504.425	1537055.730	803.956
CP12	IRON PIN FOUND-ORIGINALLY CALLED "GPC502" SET BY BARR AND PREVOST	626605.149	1535748.922	842.401
CP13	IRON PIN FOUND-ORIGINALLY CALLED "GPC503" SET BY BARR AND PREVOST	626564.617	1536069.944	837.421
CP14	IRON PIN FOUND-ORIGINALLY CALLED "GPC504" SET BY BARR AND PREVOST	626535.870	1536661.350	817.261
CP15	IRON PIN FOUND-ORIGINALLY CALLED "GPC505" SET BY BARR AND PREVOST	626494.708	1537151.443	803.619
CP16	IRON PIN FOUND-ORIGINALLY CALLED "GPC506" SET BY BARR AND PREVOST	624800.611	1538402.839	799.517
CP17	MAG NAIL FOUND-ORIGINALLY CALLED "GPC507" SET BY BARR AND PREVOST	624543.021	1538382.372	798.087
CP18	IRON PIN FOUND-ORIGINALLY CALLED "GPC508" SET BY BARR AND PREVOST	623768.389	1537345.114	808.244
CP19	IRON PIN FOUND-ORIGINALLY CALLED "GPC509" SET BY BARR AND PREVOST	623972.187	1537498.329	798.550

VERTICAL CONTROL WAS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), WITH GEOID 03 USED TO MODEL ELLIPSOID HEIGHTS. VERTICAL CONTROL WAS ESTABLISHED VIA DIFFERENTIAL LEVELING BETWEEN THE "KNOWN" PRIMARY CONTROL POINTS (WHICH WERE ALSO VALIDATED WITH MULTIPLE VRS OBSERVATIONS). WHENEVER POSSIBLE, BENCHMARKS WERE SET IN ACCORDANCE WITH THE CITY OF BEAVERCREEK STANDARDS.

WOOLPERT WAS PROVIDED A TRIANGULATED IRREGULAR NETWORK (TIN) USING EXISTING ODOT AERIAL AND BARR AND PREVOST SURVEY DATA. WOOLPERT CHECKED THIS TIN WITH MULTIPLE CROSS SECTIONS, IN ADDITION TO FILLING IN TROUBLE AREAS WITH OUR OWN CONVENTIONAL TOPOGRAPHIC DATA.

BENCHMARK	DESCRIPTION	NORTHING	EASTING	ELEVATION
BM1	BM1-CUT CROSS ON FIRE HYDRANT BOLT	624785.809	1538423.671	800.822
BM2	BM2-CUT CROSS ON TOP OF ABUTMENT	624777.278	1538800.199	802.337
BM3	BM3-CUT CROSS ON FIRE HYDRANT BOLT	624423.129	1537615.278	795.007
BM4	BM4-CUT CROSS ON FIRE HYDRANT BOLT	623436.421	1537082.277	834.985
BM5	BM4-CUT CROSS ON FIRE HYDRANT ARROWHEAD	623456.221	1537171.454	832.700
BM6	BM9-SPIKE IN POLE #67402	626552.676	1535630.439	845.571
BM7	BM8-SPIKE IN POLE #477109	626571.966	1536424.377	828.141
BM8	BM7-SPIKE IN POLE #516603	626508.400	1536940.431	805.784
BM9	BM6-CUT CROSS ON FIRE HYDRANT ARROWHEAD	626464.129	1537439.564	802.907





DEL

CITY OF BEAVERCREEK  
CITY COUNCIL  
AGENDA ITEM REPORT

Meeting Date: July 24, 2017  Agenda Reference No: VIII. A.	Reference Topic: Transfer Liquor Permit for Asian Gourmet By L The Land of A Million Elephants LLC, DBA Choe's Asian Gourmet & Asian Gourmet by L
	Motion to accept without comment

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

**BACKGROUND AND STAFF SUMMARY:**

Ohio Division of Liquor Control sent police notification of a request regarding transfer of a D1, D2, D3 and D6 liquor permit from Yang's Asian Gourmet LLC, DBA Choes Asian Gourmet, 4394 Juniper Way Mezz. & Patio, Beavercreek, Ohio 45440 to Asian Gourmet by L, Land of a Million Elephants LLC, DBA Choes Asian Gourmet and Asian Gourmet by L, 4394 Juniper Way Mezz. & Patio, Beavercreek, Ohio 45440. The background checks required by the Ohio Department of Commerce – Division of Liquor Control were conducted on the corporate shareholders for this application request.

**STAFF RECOMMENDATION:**

Staff is recommending this application request move forward without comment.

NOTICE TO LEGISLATIVE  
AUTHORITY

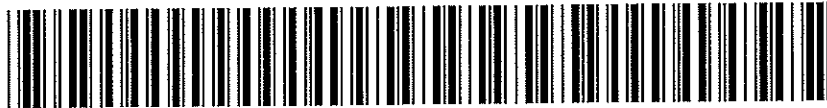
OHIO DIVISION OF LIQUOR CONTROL  
6606 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

0298928		TRFO	ASIAN GOURMET BY L THE LAND OF A MILLION ELEPHANTS LLC DBA CHOES ASIAN GOURMET & ASIAN GOURMET BY L 4394 JUNIPER WAY MEZZ & PATIO BEAVERCREEK OH 45440	
PERMIT NUMBER		TYPE		
06	01	2017		
ISSUE DATE				
07	12	2017		
FILING DATE				
D1	D2	D3	D6	
PERMIT CLASSES				
29	005	A	F18800	
TAX DISTRICT			RECEIPT NO.	

FROM 07/14/2017

9814965			YANGS ASIAN GOURMET LLC DBA CHOES ASIAN GOURMET 4394 JUNIPER WAY MEZZ & PATIO BEAVERCREEK OH 45440	
PERMIT NUMBER		TYPE		
06	01	2017		
ISSUE DATE				
07	12	2017		
FILING DATE				
D1	D2	D3	D6	
PERMIT CLASSES				
29	005			
TAX DISTRICT			RECEIPT NO.	



MAILED 07/14/2017

RESPONSES MUST BE POSTMARKED NO LATER THAN. 08/14/2017

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 0298928**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BEAVERCREEK CITY COUNCIL  
1368 RESEARCH PARK DR  
BEAVERCREEK OHIO 45432

## Manufacturer

Permit Class	Permit Fee	Description
A1	\$3,906	<a href="#">ORC 4303.02</a> Manufacturer of Beer – producing more than 31 million gallons per year, wherever produced, and sell beer products to wholesale permit holders.
A1A	\$3,906	<a href="#">ORC 4303.021</a> Beer, and any intoxicating liquor by the glass or container on A-1 or A-2 permit premises only until 2:30am.
A1c	\$1,000	<a href="#">ORC 4303.022</a> Manufacturer of Beer - producing up to 31 million gallons per year wherever produced, for sale on premises at retail for on premises consumption, and sell beer products to retail and wholesale permit holders.
A2	\$76	<a href="#">ORC 4303.03</a> Manufacturer of wine.
A-2f	\$76	<a href="#">ORC 4303.031</a> Ohio farm winery that grows and manufactures wine, from grapes, fruits, or other agricultural products on land it owns and uses only for agriculture.
A3	\$2 to \$3,906	<a href="#">ORC 4303.04</a> Manufacture, import and sell alcohol and spirituous liquor
A3A	\$2 to \$400	<a href="#">ORC 4303.041</a> Manufacturer of less than 10,000 gallons of spirituous liquor and sale to a personal consumer.
A4	\$3,906	<a href="#">ORC 4303.05</a> Manufacture and sell certain prepared and bottled drinks, import for blended purposes
B2A	\$25	<a href="#">ORC 4303.07</a> Sale of wine to retail permit holder.
S	\$25	<a href="#">ORC 4303.232</a> Sale of wine to personal consumer via mail order.
W	\$1,563	<a href="#">ORC 4303.231</a> To operate a warehouse for the storage of beer or intoxicating liquor within the state and to sell such products from the warehouse to a B permit holder with Consent to Import on file or to other customers outside this state.

## Distributor

Permit Class	Permit Fee	Description
B1	\$3,125	<a href="#">ORC 4303.06</a> Distributor of beer, ale, stout, other malt liquor.
B2	\$500	<a href="#">ORC 4303.07</a> Distributor of bottled wine.
B3	\$124	<a href="#">ORC 4303.08</a> Distributor of sacramental wine.
B4	\$500	<a href="#">ORC 4303.09</a> Distributor of mixed beverages.
B5	\$1,563	<a href="#">ORC 4303.10</a> Distributor and importer and bottler of wine.

## Retail Store Carryout

Permit Class	Permit Fee	Description
C1	\$252	<a href="#">ORC 4303.11</a> Beer only in original sealed container for carry out only.
C2	\$376	<a href="#">ORC 4303.12</a> Wine and mixed beverages in sealed containers for carry out.
C2X	\$252	<a href="#">ORC 4303.121</a> Beer in original sealed containers for carry out.
D8	\$500	<a href="#">ORC 4303.184</a> Sale of tasting samples of beer, wine, and mixed beverages, but not spirituous liquor, at retail, for consumption on premises.

## Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	<a href="#">ORC 4303.13</a> Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	<a href="#">ORC 4303.14</a> Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	<a href="#">ORC 4303.141</a> (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	<a href="#">ORC 4303.15</a> Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	<a href="#">ORC 4303.151</a> (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	<a href="#">ORC 4303.16</a> Extend issued permit privileges until 2:30am.
D5	\$2,344	<a href="#">ORC 4303.18</a> Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.



D5I	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant meeting certain criteria.
D7	\$469	<u>ORC 4303.183</u> (Same as D5). RESORT area only.

**>Club**

Permit Class	Permit Fee	Description
D4	\$469	<u>ORC 4303.17</u> Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	<u>ORC 4303.171</u> Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	<u>ORC 4303.181</u> (Same as D5)(This class can no longer be applied for.)
D5D	\$2,344	<u>ORC 4303.181</u> (Same as D5) located at airport.

**Hotel And Motel**

Permit Class	Permit Fee	Description
D5A	\$2,344	<u>ORC 4303.181</u> (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

**Enclosed Shopping Mall**

Permit Class	Permit Fee	Description
D5B	\$2,344	<u>ORC 4303.181</u> (Same as D5) for enclosed shopping mall.

**River Boats**

Permit Class	Permit Fee	Description
D5E	\$1,219	<u>ORC 4303.181</u> (Same as D5). Historical river boat owned by charitable organization only.

**Marinas**

Permit Class	Permit Fee	Description
D5F	\$2,344	<u>ORC 4303.181</u> (Same as D5). Marina restaurant only.

**Museums**

Permit Class	Permit Fee	Description
D5G	\$1,875	<u>ORC 4303.181</u> (Same as D5). National sports museum only.
D5H	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Fine arts museum only.

**Community Entertainment District/Revitalization**

Permit Class	Permit Fee	Description
D5J	\$2,344	<u>ORC 4303.181</u> (Same as D5). Community Entertainment District.
D5L	\$2,344	<u>ORC 4303.181</u> (Same as D5). Revitalization District.

**Sunday Sales**

Permit Class	Permit Fee	Description
D6	\$400-c \$500-d	<u>ORC 4303.182</u> Sale of intoxicating liquor on Sunday between the hours 10:00am or 11:00am and midnight.

**Other**

Permit Class	Permit Fee	Description
D5K	\$1,875	<u>ORC 4303.181</u> (Same as D5 – except sales till one am). Certain non profit organizations that own and operate a botanical garden.
D5M	\$2,344	<u>ORC 4303.181</u> (Same as D5). Restaurant affiliated with center for the preservation of wild animals.
D5N	\$20,000.00	<u>ORC 4303.181(N)</u> (Same as D5). Casino Operator or Casino Management Company.
D5O	\$2344.00	<u>ORC 4303.181(O)</u> (Same as D5). Restaurant located in a casino.
E	\$500	<u>ORC 4303.19</u> Railroad car or airline to sell beer or any intoxicating liquor at retail in glass or from container for consumption in such car or aircraft.
G	\$100	<u>ORC 4303.21</u> Retail drug store (alcohol for medicinal, industrial, mechanical, chemical, or scientific purposes).



**CITY COUNCIL**  
**Regular Meeting – August 14, 2017 6:00 p.m.**  
**Council Chambers**

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
  - A. July 17, 2017 Joint Work Session with Beavercreek Township
  - B. July 24, 2017 Regular Meeting
- VI. PRE-SCHEDULED PRESENTERS
  - A. 2016 Audit Review, Jenna Trice, Plattenburg and Associates
- VII. ORDINANCES, RESOLUTIONS AND PUDS
  - A. Ordinance 17-11 Bond for Not To Exceed \$1.9 Million for Lofino Renovation and Acquisition of Property (Third Reading)
  - B. Ordinance 17-12 Issuance of Bond Not to Exceed \$715,000 for Refunding Golf Final Judgement Bond (Third Reading)
  - C. Ordinance 17-14 Issuance of Bond Not to Exceed \$800,000 for Refunding 2009 Various Purpose Bond (Third Reading)
  - D. Ordinance 17-15 Issuance of Bond Not to Exceed \$580,000 for Refunding 2003 Kontagionnis Hills Bonds (Third Reading)
  - E. Ordinance 17-16 Issuance of Bond Not to Exceed \$3.995 Million for Refinancing Outstanding Bonds and Notes Originally Issued for Various Purposes and Consolidating Into One Bond Issue (Third Reading)
  - F. Ordinance 17-17 Issuance of Bond Anticipation Notes Not to Exceed \$350,000 for Traditions at Beavercreek Project Second Renewal (Third Reading)
  - G. Ordinance 17-18 Z-17-1 Roddy Dentistry Rezoning (Third Reading)
- VIII. CITY MANAGER'S REPORT
- IX. MAYOR'S REPORT
- X. COUNCIL TIME
- XI. CITIZEN COMMENTS
- XII. EXECUTIVE SESSION
- XIII. ADJOURNMENT



**CITY COUNCIL**  
**Work Session – August 21, 2017, 5:00 p.m.**  
**Council Chambers**

1368 Research Park Dr  
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. DISCUSSION ITEMS
- V. INFORMATIONAL ITEMS
  - A. Governmental Organization
- VI. COUNCIL/CITY MANAGER UPDATES
- VII. ADJOURNMENT

DRAFT

# PLANNING DEPARTMENT STATUS REPORT

*July 19, 2017*

## CITY COUNCIL

July 24, 2017

- Z-17-1 Roddy Dentistry, R-1A to RO-1, public hearing, second reading
- PC 17-3, Zoning Code Update, third reading
- PUD 17-1, 4200 Col. Glenn Hwy (Dave Dennis), third reading

August 14, 2017

- Z-17-1 Roddy Dentistry, R-1A to RO-1, third reading
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August 21, 2017

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Tabled / Delayed / Pending

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## PLANNING COMMISSION

August 2, 2017

- PUD 17-2, Speedway, rezoning, public hearing
- PUD 17-3, Cedarbrook Flower Farm, rezoning, public hearing
- PUD 427 Major MOD, Trinity Community Campus, public hearing
- PUD 541 Minor MOD, At Home – Beavercreek
- S-17-4, College Hills, Section 3
- 

Currently Tabled / Delayed

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Commercial Permits Submitted and Under Review

- Raising Canes
- Simms Cottages of Beavercreek
- Clover Senior Apartments

## BOARD OF ZONING APPEALS

August 9, 2017

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Currently Tabled or Delayed

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